



THE NORTHEAST-MIDWEST COALITION

GREAT LAKES TASK FORCE

May 8, 2008

The Honorable Stephen Johnson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Johnson:

We have recently learned that the National Program Manager Guidance for the proposed Fiscal Year 2009 (FY-09) budget does not include funding for the Great Lakes Atmospheric Deposition (GLAD) program. We are very concerned by this proposal to cut funding for such an important project and urge you to reconsider as you finalize the Guidance.

The Great Lakes have long suffered from atmospheric deposition of toxic pollutants such as mercury. In 1990, the Great Waters section of the Clean Air Act Amendments authorized the EPA to improve our ability to identify, characterize, and control atmospheric deposition that impairs waters such as the Great Lakes. Under this authorization, the EPA and the eight Great Lakes states implemented the Great Lakes Air Deposition program in order to provide information that the Great Lakes states need to protect water quality, human health and wildlife. States have made great progress in identifying where toxic substances are coming from, how they enter the Great Lakes, their potential harm to human health, and actions that might reduce these harms. Even with this progress, additional support is needed to further our understanding and to use this knowledge in a way that allows states and their partners to take the most informed actions to protect human health, wildlife and environmental quality.

The Great Lakes Air Deposition program and projects support various other EPA programs that address persistent bioaccumulative toxins. The Great Lakes Binational Toxics Strategy and the Great Lakes Regional Collaboration Strategy recommend the elimination of bioaccumulative toxins. Cutting funding for this program would hinder implementation of these plans.

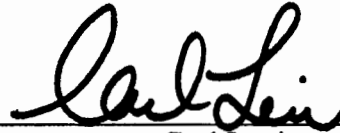
The GLAD program has been included in the EPA's State and Tribal Assistance Grant account for over ten years, and reversing course and eliminating this funding would be a step away from the goals included in Executive Order 13340 establishing the Great Lakes Regional Collaboration. As you have said before, the Great Lakes are a tremendous natural resource that should be protected.

We look forward to receiving your reply in the near future.

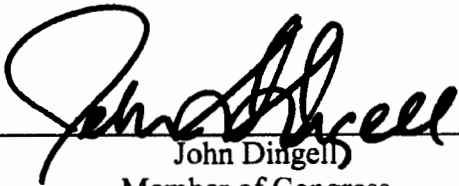
Sincerely,



George V. Voinovich
United States Senator



Carl Levin
United States Senator



John Dingell
Member of Congress



Vernon J. Ehlers
Member of Congress



Mark Kirk
Member of Congress



Louise Slaughter
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 11 2008

OFFICE OF
AIR AND RADIATION

The Honorable Mark Kirk
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Kirk:

Thank you for your letter of May 8, 2008, co-signed by 5 of your colleagues and written on behalf of the Great Lakes Task Force of the Northeast-Midwest Coalition, regarding funding for the Great Lakes Air Deposition (GLAD) program.

The U.S. Environmental Protection Agency (EPA) continues to believe that the Great Lakes represent a tremendous natural resource that should be protected. We also understand the importance of the ongoing research, monitoring, and deposition work for the Great Lakes region. However, given limited funds and competing priorities, EPA has chosen to reduce funding that has been targeted to specific geographic areas, and, instead, provide funding through continuing air program grants for state and local air quality agencies. These funds are now included in the total amount of air grant resources available for direct distribution to state and local agencies including those in the Great Lakes region. In working with EPA, agencies still have the flexibility to address their own air quality priorities, including air toxics transfer and deposition, using their available resources.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-3668.

Sincerely,

for Elizabeth Craig
Robert J. Meyers
Principal Deputy Assistant Administrator

MARK STEVEN KIRK
10TH DISTRICT, ILLINOIS

COMMITTEE ON
APPROPRIATIONS

SUBCOMMITTEES:
STATE, FOREIGN OPERATIONS, AND
RELATED AGENCIES
HOMELAND SECURITY
FINANCIAL SERVICES AND
GENERAL GOVERNMENT

Congress of the United States
House of Representatives
Washington, DC 20515-1310

WASHINGTON OFFICE:
1030 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20616
(202) 225-4835
FAX: (202) 225-0837
www.house.gov/kirk

NORTHBROOK OFFICE:
707 SKOKIE BLVD, SUITE 350
NORTHBROOK, IL 60062
(847) 940-0202
FAX: (847) 940-7143

WAUKEGAN OFFICE:
20 SOUTH MARTIN LUTHER KING DRIVE
WAUKEGAN, IL 60085
(847) 662-0101
FAX: (847) 662-7519

February 19, 2010

Ms. Joyce K. Frank
Acting Associate Administrator for Congressional
and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Room 3426 ARN
Washington, DC 20460

Dear Ms. Frank:

Enclosed please find correspondence I received from my constituent, Mayor Kristina Kovarik, of Gurnee, Illinois. I am forwarding you this information at the recommendation of the Food and Drug Administration.

Mayor Kovarik is concerned about expired pharmaceuticals and chemicals being stored at the former ALRA Labs facility in Gurnee, Illinois. She is requesting assistance in seizing and destroying this inventory of pharmaceuticals and chemicals. I would appreciate any assistance you would be able to offer my constituent.

Thank you in advance for your attention to this matter. Please do not hesitate to contact my District Representative, Matthew Abbott, in my Northbrook office should you have any questions regarding this case.

Sincerely,


Mark Steven Kirk
Member of Congress

MSK:ma

enclosure

Abbott, Matthew

From: *exemptb*
Sent: Friday, February 19, 2010 12:56 PM
To: Abbott, Matthew
Cc: *exemptb*
Subject: Disposal of expired drugs

Hi Matthew,

Per our conversation earlier today, here is FDA's response to your constituent letter regarding expired pharmaceuticals and chemicals stored at the former ALRA Labs facility in Gurnee.

FDA does not have specific guidelines for the seizure and destruction of drugs for the situation discussed in the letter, other than to advise that such activities be conducted in accordance with Federal, State and Local regulations. Depending on the specific drugs and quantities in question, there may be EPA RCRA or other requirements for the disposal of drugs. A good contact at the EPA is:

exemptb
Environmental Protection Specialist
Office of Resource Conservation and Recovery

exemptb
FDA has posted information on drug disposal for consumers at
<http://www.fda.gov/ForConsumers/ConsumerUpdates/ucm101653.htm>.

I hope that this information is helpful and please feel free to contact me if you have additional questions or concerns.

Thanks

exemptb

Congressional Affairs Specialist
Office of Legislation
Food and Drug Administration

exemptb
exemptb

2/19/2010

Kristina M. Kovarik, Mayor



The Village of Gurnee

www.gurnee.il.us

325 North O'Plaine Road, Gurnee, Illinois 60031-2636
Administration 847-599-7500
Building & Engineering 847-599-7550
Fax 847-623-9475

December 9, 2009

Food and Drug Administration

exempt
Center for Drug Evaluation and Research (HFD-7)
5600 Fishers Lane
Rockville, MD 20857

RE: ALRA Labs
3850 Clearview Court
Gurnee, IL 60031

Dear *exempt*

On October 1, 2009, the Village of Gurnee Police Department was called to investigate an apparent break-in at the former ALRA Labs facility at 3850 Clearview Court. During the course of the investigation, officers witnessed several conditions in the facility that appeared improper with respect to the storage of chemicals and expired pharmaceutical grade drugs. The Gurnee Police Department is aware of the felony convictions and debarment of the former proprietor of the facility. *exempt* At this point, the building and all of its contents are under the sole control of *exempt* under his Illinois limited liability corporation of AVTAR LLC.

The facility has remained virtually untouched since it was closed many years ago. From the burglary investigation, thousands of bottles of ALRA's potassium based prescription grade products, barrels of ALRA's prescription grade Lactulose syrup, and barrels full of non-prescription ibuprofen tablets, all of which expired in the late 1990's, were witnessed.

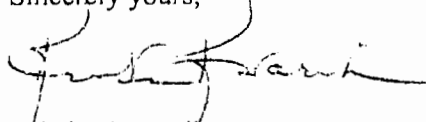
The Village's main concern is for the safety of our emergency responders and neighboring residents and businesses during a fire or other natural catastrophe that may occur at this site. We are unaware as to the hazardous potential of these chemicals as they break down over time. We do not have a clear understanding as to the contents of the building as MSDS sheets and other important safety and inventory information has not been maintained since the facility was closed and *exempt* was detained.

Additionally, the site has become an attractive nuisance in our community, experiencing multiple break-ins. While no pharmaceutical contents have been reported missing, we have little confidence that an accurate inventory is being maintained. We do not want to see these expired pharmaceuticals end up harming anyone. They should be disposed of and destroyed as soon as possible, as they have no value to anyone.

Based upon information from *exempt* trial, he is unable to hold or be associated with any pharmaceutical manufacturing company through the FDA or DEA. His convictions related to the tampering with and selling of contaminated and or expired pharmaceutical drugs. The Village of Gurnee feels that it is improper for *exempt* based upon his standing with the FDA, DEA and the criminal court, to be in sole charge of a facility containing these pharmaceuticals. We are requesting your assistance in seizing and destroying his inventory of expired pharmaceuticals and chemicals, so that the public health of the community may be preserved.

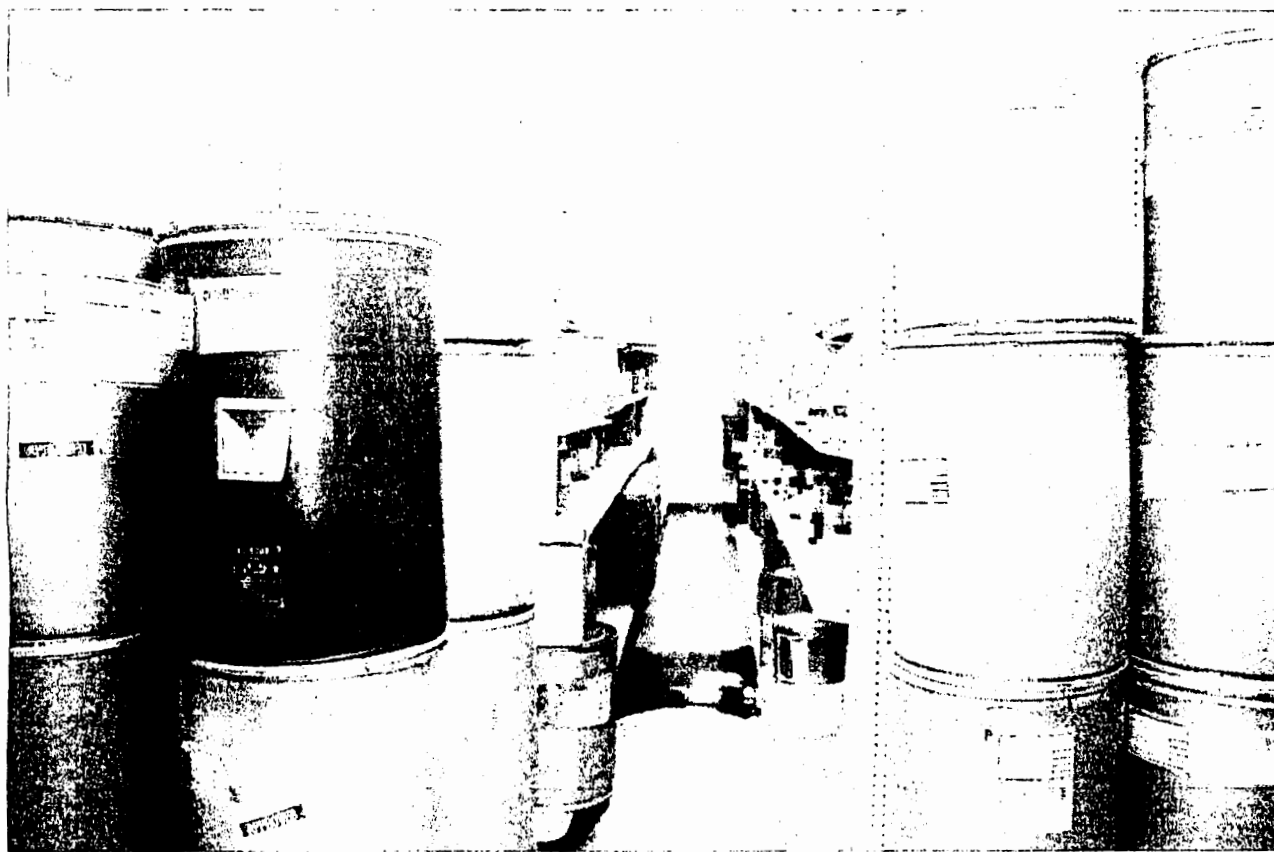
We thank you for your assistance in this matter.

Sincerely yours,



Kristina Kovarik
Mayor, Village of Gurnee

c: *exempt* 8th Congressional District
Mark Steven Kirk, 10th Congressional District
Deputy Administrator, Office of Diversion Control, DEA
exempt Illinois EPA
; Village Administrator
exempt , Village Attorney
exempt , Police Chief
exempt , Fire Chief







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 18 2010

REPLY TO THE ATTENTION OF:

R-19J

The Honorable Mark Kirk
Member, U.S. House of Representatives
707 Skokie Boulevard, Suite 350
Northbrook, Illinois 60062

Dear Congressman Kirk:

Thank you for your letter dated February 19, 2010, on behalf of Mayor Kristina Kovarik, of Gurnee, Illinois. Mayor Kovarik is concerned about expired pharmaceuticals and chemicals being stored at the former ALRA Labs facility in Gurnee, Illinois.

With increasing information on the environmental impacts of these substances, the U.S. Environmental Protection Agency is committed to the safe disposal of these types of chemicals. My staff will contact the Village of Gurnee directly to investigate the former ALRA Labs facility and evaluate cleanup options.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may contact Mary Canavan or Ronna Beckmann, the Region 5 Congressional Liaisons, at (312) 886-3000.

Sincerely,

Walter W. Korluk
for

Bharat Mathur
Acting Regional Administrator

Congress of the United States

Washington, DC 20515

609028

January 27, 2004

The Honorable George W. Bush
President of the United States of America
1600 Pennsylvania Ave., N.W.
Washington, D.C. 20500

Dear Mr. President:

We commend you for publicly acknowledging the health and environmental problems associated with mercury emissions from electric power plants. The action by the Environmental Protection Agency (EPA) takes a long-awaited step to reduce mercury emissions from coal-fired power plants for the first time.

We share in your concerns that mercury is a potent bioaccumulative neurotoxin, which threatens young mothers and children. Human exposure to mercury is primarily the result of eating fish contaminated with mercury. As you know, the number of States issuing warnings for mercury has risen steadily to 44 States in 2002.

We agree that a cap and trade system is an efficient way to yield emissions reductions and is simpler to administer and enforce, reducing endless litigation over plant modifications and focusing more resources on protecting the environment. However, we are concerned that a national cap and trade program does not adequately address areas of elevated mercury deposition (called "hot spots") across the country. Recent analysis of EPA modeling shows that a significant amount of mercury in waters across the nation comes from pollution sources within the United States, and that local emissions of mercury are largely responsible for mercury deposition "hot spots."

We understand that the science of mercury cycling in the environment is not very well understood, and we encourage investment in more research to fully understand the local, regional and global contributions to deposition. However, there is clear evidence of pockets of airborne mercury pollution in many States, including those which are home to some of our nations most precious environmental ecosystems, such as the Great Lakes and the Atlantic coast.

We feel that this rule could be strengthened by addressing mercury "hot spots" now, rather than later. Adding regional emission trading areas for States with high levels of mercury or setting a level of mercury emissions above which no one plant could emit would go a long way toward protecting the long term health of millions of Americans in affected states.

We have other concerns with this rule, including the levels of reduction and the need to set standards that will encourage the development and commercialization of the new technologies that will ultimately be necessary to reduce mercury emissions to a level that protects human health. We look forward to working with you to find the most effective ways to reduce this threat to the health of Americans.

Sincerely,

Alan Kira

Sherry Schubert

Fred Myer

Chapin

Jo Bulky

Mike Castle

Veronica Ehlken

Nancy L. Johnson

Pat Simmons

Jim Runtz



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 2 2004

AL-0400417
C/O

THE ADMINISTRATOR

The Honorable Mark Kirk
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Kirk:

Thank you for your letter of January 27, 2004 to President Bush expressing support for reduced mercury emissions and requesting increased attention to mercury "hot spots." I appreciate hearing your views on this issue.

I want to summarize the context and rationale for our proposal to regulate mercury from power plants. As you know, in our December 15, 2003, proposal, EPA outlined three alternative approaches: (1) traditional, command-and-control regulations under section 112 of the Clean Air Act (CAA), generally known as the maximum achievable control technology (MACT) approach, (2) a market-based cap-and-trade program under section 112 of the CAA and (3) a market-based cap-and-trade approach under section 111 of the CAA. On February 24, 2004, I signed a supplemental notice of proposed rulemaking that pertains to the mercury trading program and methodologies for measuring mercury emissions.

In addition, on December 17, 2003, I signed the Clean Air Interstate Rule (proposed as the Interstate Air Quality Rule) proposal, which is designed to dramatically reduce and permanently cap emissions of sulfur dioxide (SO₂) and nitrogen oxides (NO_x) in 29 Eastern States. We have coordinated the proposed IAQR with the implementation of the proposed CAA section 111 approach for regulating mercury from utility units, thus providing a multipollutant strategy for achieving significant emissions reductions from the utility sector. We believe that a multipollutant approach to regulating SO₂, NO_x, and mercury from the utility sector provides a cost-effective and environmentally beneficial strategy for reducing air pollution from the power sector.

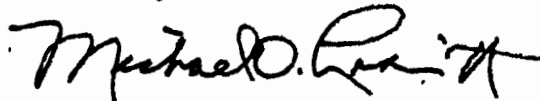
In implementing cap-and-trade programs in the past, we have not observed the creation of hot spots. Even so, the recently proposed trading programs provide legal mechanisms to ensure that should hot spots be identified, appropriate Federal and/or State actions are allowed to address them. Historically, EPA has seen the largest emitters attempt to control emissions sooner in a cap-and-trade program because of the economies of scale and the ability to bank

allowances for later years. Thus, we believe such a program creates incentives for the utility sector to aggressively seek reductions in NO_x and SO₂, which ultimately provide early mercury reductions. Nonetheless, because of concerns raised by you and others, the Agency continues to analyze the potential for hot spots.

Although I have indicated that additional analyses will be conducted before this rule is completed, I have not made a final determination about the content of such analyses. As you are aware, we are receiving public comment on the proposed rule. The public comment period will close on June 29, 2004, after which we will evaluate the comments received, along with any additional data submitted, as part of our process for determining what analyses will be necessary to support a final rule.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Catherine Sulzer, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2464.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael O. Leavitt", with a stylized flourish at the end.

Michael O. Leavitt



THE NORTHEAST-MIDWEST COALITION

GREAT LAKES TASK FORCE

June 3, 2005

Administrator Stephen Johnson
United States Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Dear Administrator Johnson:

We are writing to emphasize the importance of the Great Lakes and the role of the Environmental Protection Agency (EPA) in protecting and restoring them. We strongly urge you to ensure that programs benefiting the Great Lakes, such as the Great Lakes Legacy Act, Great Lakes National Program Act and Remedial Action Plans/Lakewide Management Plan assistance are prioritized in the EPA's budget and to provide the leadership needed to ensure that the Great Lakes Regional Collaboration succeeds.

The Great Lakes are a unique treasure that border 8 states and 2 Canadian provinces. They provide drinking water to millions and serve as habitat for a host of native species. Further, they are critical to our economy, recreation, tourism and a \$4-5 billion fishery.


Unfortunately, the Great Lakes face many threats including pollution, habitat loss, and aquatic invasive species. Some of these problems threatening the Lakes are the result of industrialization, but others have emerged over the last few years. According to the General Accounting Office there are over 100 federal programs addressing Great Lakes protection and restoration; however, the current level of federal commitment cannot keep pace with the problems in the Great Lakes. We appreciate the increasing commitment from the EPA to the Great Lakes through staff resources and funding and hope that you will also honor this commitment.


The EPA has the responsibility to protect the Great Lakes under the Clean Water Act, and we hope that you will fight to ensure that the Great Lakes program in the Clean Water Act receives sufficient funding. Because the EPA is the head of the interagency task force that was established by Executive Order 13340, we also urge you to take advantage of this forum to work cooperatively with other federal agencies to address problems as they arise in federal programs operating in the Great Lakes.


CC 4
John
Catherine
Craig
Janis W
Betty

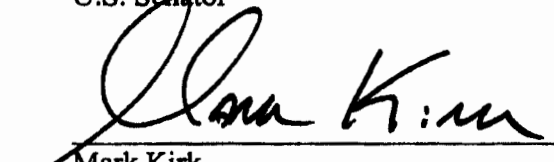
While the efforts of Great Lakes Regional Collaboration continue, we hope that you will do all that you can to ensure the long-term protection and restoration of the Great Lakes.

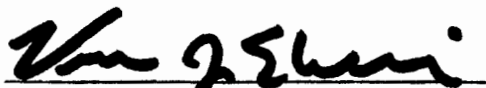
Sincerely,

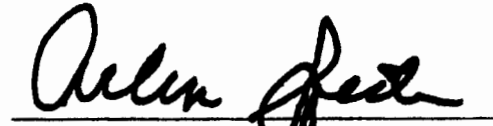

Mike DeWine
U.S. Senator


Carl Levin
U.S. Senator

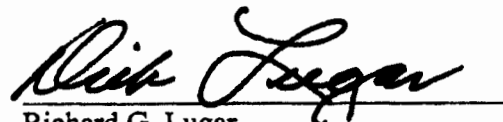

John Dingell
Member of Congress

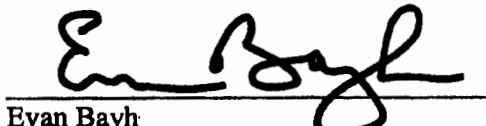

Mark Kirk
Member of Congress



Vernon J. Ehlers
Member of Congress

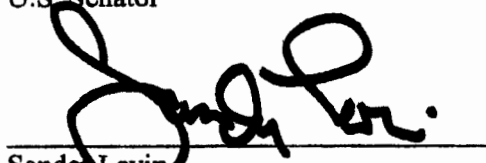

Arlen Specter
U.S. Senator


Debbie Stabenow
U.S. Senator

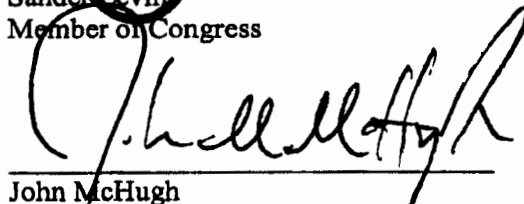

Richard G. Lugar
U.S. Senator

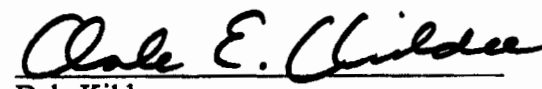

Evan Bayh
U.S. Senator


George V. Voinovich
U.S. Senator


Sander Levin
Member of Congress


Fred Upton
Member of Congress


John McHugh
Member of Congress

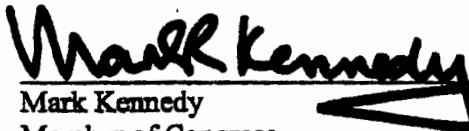

Dale Kildee
Member of Congress



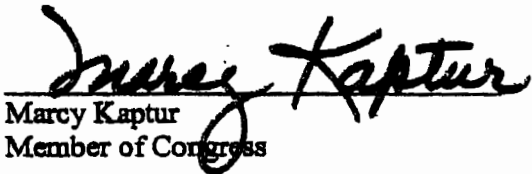
Richard Durbin
United States Senator



Barack Obama
United States Senator



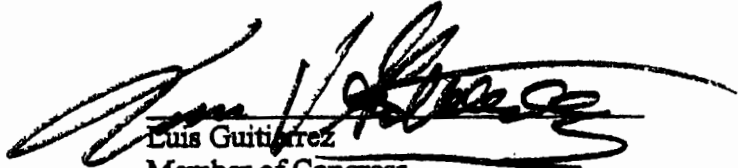
Mark Kennedy
Member of Congress



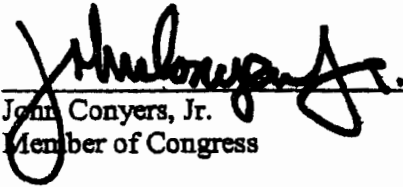
Marcy Kaptur
Member of Congress



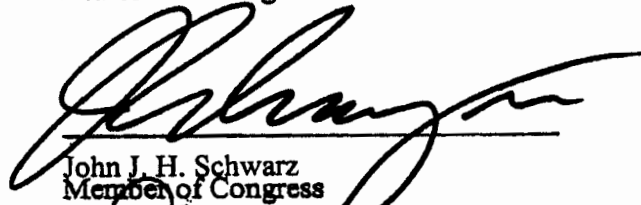
Candice Miller
Member of Congress



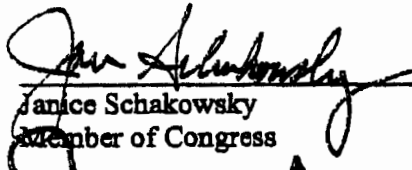
Luis Guitierrez
Member of Congress



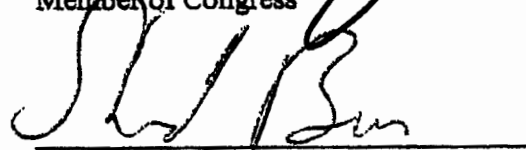
John Conyers, Jr.
Member of Congress



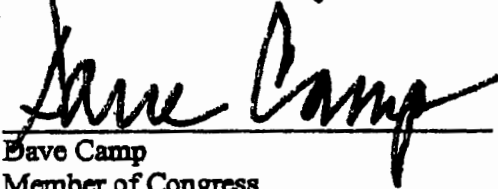
John J. H. Schwarz
Member of Congress



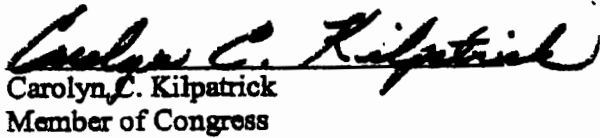
Janice Schakowsky
Member of Congress



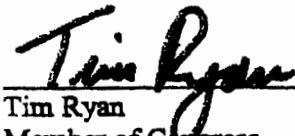
Sherrod Brown
Member of Congress



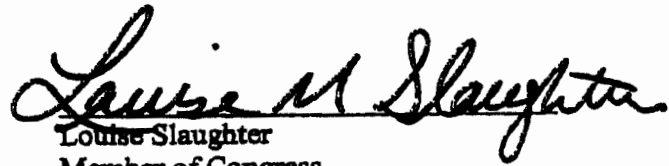
Dave Camp
Member of Congress



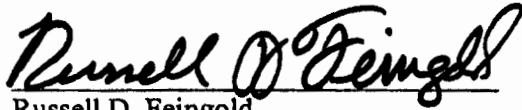
Carolyn C. Kilpatrick
Member of Congress



Tim Ryan
Member of Congress



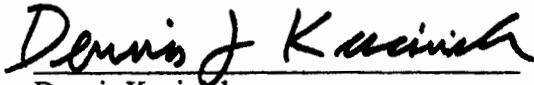
Louise Slaughter
Member of Congress



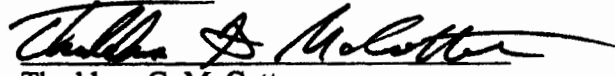
Russell D. Feingold
U.S. Senator



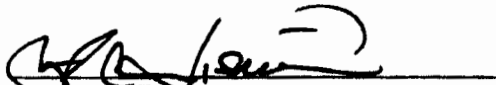
Lane Evans
Member of Congress



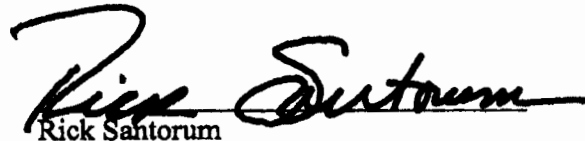
Dennis Kucinich
Member of Congress



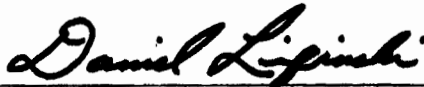
Thaddeus G. McCotter
Member of Congress



Steven LaTourette
Member of Congress



Rick Santorum
U.S. Senator



Dan Lipinski
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 25 2005

THE ADMINISTRATOR

The Honorable Mark Steven Kirk
U.S. House of Representatives
Washington, DC 20515-2215

Dear Congressman Kirk:

Thank you for your letter dated June 3, 2005, recognizing the role of the United States Environmental Protection Agency (EPA) in protecting and restoring the Great Lakes and the importance of ensuring that programs benefiting the Great Lakes are a priority for EPA. I can assure you that the Great Lakes are a priority not just for EPA, but for the Administration. President Bush's Great Lakes Executive Order, which was signed on May 18, 2004, has significantly raised the national profile of this world class resource. In addition, the Great Lakes are among the priorities I have established here at EPA, as outlined in my May 19 written statement to the Senate Subcommittee on Interior and Related Agencies.

EPA continues to exercise a leadership role in implementing the Great Lakes Executive Order. As the chair of the Interagency Task Force formed by the Executive Order, I have been working with other Federal agencies to help ensure the development of consistent Federal policies towards the Great Lakes, and to improve the coordination and management of the more than 140 federal programs operating in the basin. Early successes in this area are being documented in a Task Force report to the President on progress to date in implementing the provisions of the Executive Order. I expect this report will be delivered to the President in the next couple of weeks.

As Chair of the Interagency Task Force, I also represent the federal government on the Great Lakes Regional Collaboration's Executive Committee. In partnership with our Collaboration partners in state, tribal, and local government, as well as in Congress, the Interagency Task Force is participating in the development of a Great Lakes Restoration and Protection Strategy to help inform future implementation of programs and funding throughout the region. As you know, the draft of that strategy was released for public review and comment at Summit I on July 7 in Duluth, Minnesota.

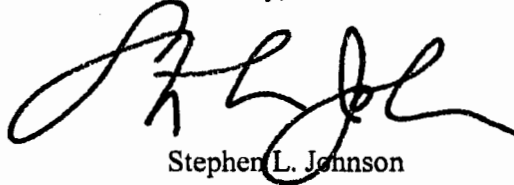
EPA's implementation of the Great Lakes Legacy Act is a further demonstration of the Administration's and my commitment to restoring and protecting the Great Lakes. As you know, the President's FY06 proposed budget requests full funding, or \$50 million, for Legacy Act projects to accelerate remediation of contaminated sediments in the Great Lakes.

Progress under this program already is apparent. The first Legacy Act project, the Black Lagoon in Michigan's Detroit River, was started in 2004. An agreement for the second Legacy Act project, in Wisconsin's St. Louis River, was signed on June 13, 2005, to address sediment contamination in the Hog Island Inlet.

EPA's continuing support for Remedial Action Plans and Lakewide Management Plans has enhanced restoration efforts and stakeholder collaboration throughout the basin. During FY05, EPA was able to enhance funding of these programs by approximately \$1.9 million. The cooperative efforts by Federal, State, local, and public stakeholders as part of these programs are an important component of protecting and restoring the Great Lakes and will continue to be strongly supported in the future.

Please be assured that my close involvement in these and other EPA efforts related to the Great Lakes will help inform our deliberations as EPA moves through the budget process. Again, thank you for your letter. If you have any further questions, please contact me, or your staff may contact Tom Dickerson in the Office of Congressional and Intergovernmental Relations at (202) 564-3638.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Johnson', with a stylized flourish at the end.

Stephen L. Johnson



THE NORTHEAST-MIDWEST COALITION

GREAT LAKES TASK FORCE

July 27, 2007

The Honorable Stephen Johnson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Johnson:

Three years ago, President Bush issued Executive Order 13340 to establish the Great Lakes Interagency Task Force and the Great Lakes Regional Collaboration of National Significance. Both efforts were designed to provide more systematic collaboration and better integration of effort in the environmental restoration and management of the Great Lakes. We have been impressed with the commitment by our region's leaders to the collaboration process, but we are very disappointed that since the Great Lakes Regional Collaboration Strategy Report was released, agency efforts and enthusiasm for implementing the Executive Order have waned. Although the Federal agencies regularly meet, restoration progress has been feeble. We also are concerned that coordination between the Federal agencies with state, tribal, local and other partners remains inconsistent at best and non-existent at worst. In fact, the Great Lakes Regional Collaboration has not brought all of its stakeholders together since the Strategy was released in December of 2005.


In order to promote Great Lakes restoration and effective policy, we would appreciate a response to the following questions.

1. What is the status of the Federal Great Lakes Interagency Task Force's 48 near-term actions, and what standards is the Task Force using to judge progress in achieving these actions? Does the Task Force plan to update its list of action items? Please provide a summary for each action and an explanation of how those near-term actions that have not been completed yet will be achieved.
2. The EPA has stated in the past that the Collaboration is a good forum to identify opportunities to improve coordination within the Federal government and with its partners. In EPA's opinion, has the Federal Interagency Task Force or the executive committee identified major issues in need of coordination? If so, what are they? If no coordination issues have been identified, please explain whether there are limitations preventing the identification of coordination issues.

3. How has the Task Force facilitated coordination of Great Lakes restoration and protection activities among Great Lakes Regional Collaboration participants? Please be specific.
4. Have interim goals that can be measured and reported been established for the GLRC? If so, what are they? If they have not been, please explain why. Does the Task Force intend to develop interim goals? If so, how and by when? If not, why?
5. Is the GLRC Executive Committee identifying opportunities to improve coordination? If so, what are they? If not, why? Is the GLRC Executive Committee acting on those opportunities? If so, please explain how.
6. How often does the Great Lakes Federal Interagency Task Force meet? Are the Task Force meetings open to the public? If not, why? How often does the Regional Working Group meet? Are those meetings open to the public? If not, why?

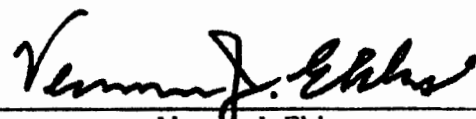
We look forward to receiving your reply in the near future.

Sincerely,



George Voinovich
United States Senator


Carl Levin
United States Senator


John Dingell
Member of Congress


Vernon J. Ehlers
Member of Congress


Mark Kirk
Member of Congress


Louise H. Slaughter
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 29 2007

**OFFICE OF
WATER**

The Honorable Mark Kirk
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kirk:

Thank you for your letter of July 27, 2007, to Administrator Johnson asking about the progress of the Great Lakes Interagency Task Force (IATF) and the Great Lakes Regional Collaboration (GLRC) in coordinating and implementing actions to restore and protect the Great Lakes. On behalf of the Administrator, I am pleased to report that we have made notable progress in enhancing communication and coordination between the federal partners through the Interagency Task Force and its Regional Working Group (RWG). We are also working closely with our state, tribal, local, and congressional partners through the Great Lakes Regional Collaboration's Executive Committee and its Subcommittee, and have begun several joint initiatives with them in the important areas of wetlands restoration, rapid response to aquatic invasive species, and toxics reduction.

More specifically, you asked about progress on the Federal Interagency Task Force's Near Term Actions announced by Administrator Johnson on December 12, 2005. I am pleased to tell you that thirteen of the 48 original near terms actions are completed, thirty-two are on track, and three have been moved to long-term status. I have enclosed a detailed report on the status of each of the near term actions for your information. Some highlights include:

- EPA, working with state and local partners, has developed a standardized sanitary survey form for state and local governments to use in assessing their beaches, and is supporting implementation pilots using the new survey.
- On July 10, 2007, the Fish & Wildlife Service listed the silver carp as injurious under the Lacey Act.
- Remediation activities underway in the Ashtabula River and the St. Mary's River under the Great Lakes Legacy Act are almost complete. In addition, EPA has completed 4 Legacy Act projects (3 remedial/1 assessment), and has 6 additional projects (assessment/engineering) underway.
- The IATF created Wetlands and Rapid Response subcommittees under its Regional Working Group to provide greater focus and coordination for these important issues.

I am also pleased to highlight examples of additional actions underway or completed by IATF agencies, beyond those included in our Near Term Actions list, since the GLRC Strategy was released:

- The Corps of Engineers' Great Lakes Habitat Initiative (GLHI), a 2-year, \$1 million effort to develop a set of tools to enhance implementation of wetlands and aquatic habitat site-specific restoration and protection projects, is well underway. The Funding Programs Inventory and the Projects Database have been developed, and work continues on the other elements of the GLHI. It is important to note that the GLHI is structured to include participation not just from federal agencies, but from state, local, tribal and nongovernmental representatives as well, in a coordinated effort to help implement the restoration goals and objectives in the GLRC Strategy.
- In its FY08 budget, NOAA has requested funding to establish habitat restoration partnerships focused on Areas of Concern in the Great Lakes, and to create a special NOAA Office on Great Lakes Habitat Restoration that would provide a focal point for all of NOAA's restoration efforts in the Great Lakes.
- Twenty-two environmental restoration projects around the Great Lakes are being funded this year under the Great Lakes Watershed Restoration Grant program. The program is providing \$1.1 million in federal money and leveraging an additional \$1.9 million in contributions by non-federal partners in order to help support the restoration goals and objectives of the GLRC Strategy. Partner agencies are: EPA, the Fish & Wildlife Service, NOAA, the Forest Service, and the Natural Resources Conservation Service.
- The Corps of Engineers recently announced that two projects from the Great Lakes region were selected from a nationwide competition for habitat restoration funding under the Estuary Restoration Act of 2000.

Regarding improvements to communication and coordination, progress is being made both within the IATF and among the members of the GLRC Executive Committee.

On the federal side, the IATF's Regional Working Group has been meeting weekly for over a year to track implementation of the Near Term Actions, as well as other provisions of the President's Executive Order on the Great Lakes. The meetings also have become an important forum to share information about new programs, initiatives and funding opportunities among members. In addition, the Regional Working Group flags items for consideration by the IATF, which meets on an as-needed basis to address policy related issues.

The GLRC's Subcommittee also meets on a regular, bi-weekly basis to share information generally, and to coordinate the three joint projects mentioned above. These joint projects, which had their genesis in actions initiated by IATF agencies, were selected and expanded upon by the GLRC Executive Committee in order to improve coordination across levels of government as we work together to implement key actions in support of the GLRC Strategy. The GLRC Executive Committee recognizes the importance of communicating with the public as well, and is working through its Subcommittee to plan a meeting open to the public in early October to highlight successes to date, identify barriers, and discuss and solicit feedback on potential next steps for the GLRC.

Your letter also raises questions about establishing interim goals and tracking and reporting progress, both for the IATF and the GLRC.

The IATF established interim goals for itself when it developed its list of Near Term Actions. Those actions were intended to be 2-years in duration, and the majority are completed or on track. A status report (enclosed) is updated on a regular basis and shared with the IATF when it meets. It is also noteworthy that progress on the Near Term Actions is being tracked within the EPA Administrator's office as part of EPA's Quarterly Management Report (QMR) system to ensure that they receive attention at the highest level of the Agency. The QMR data are available at <http://www.epa.gov/ocfopage/qmr/index.htm>.

The GLRC Executive Committee also is committed to tracking and reporting progress. This is reflected in the Implementation Framework the GLRC Executive Committee adopted in March 2006, after the release of the GLRC Strategy. The Framework states that the GLRC Executive Committee will establish an appropriate system to identify actions that need to be tracked and how tracking results will be reported. With the recent commitment to the three joint projects mentioned above, the GLRC Executive Committee will be able to start tracking and reporting on its progress more formally.

Again, thank you for your letter and your continued attention to these important partnerships. On behalf of Administrator Johnson, I can assure you that the Administration remains committed to restoring and protecting the Great Lakes through the efforts of both the Federal Interagency Task Force and the Great Lakes Regional Collaboration. We recognize that more needs to be done, but believe that many good things have already happened as a result of IATF and GLRC actions, and that a solid foundation has been laid for more progress in the future. If you have further questions, please contact me or have your staff contact Mr. Denis Borum in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-4836.

Sincerely,



Benjamin H. Grumbles
Assistant Administrator

Enclosure

*Thank you for your
environmental leadership*

Congress of the United States
Washington, DC 20515

November 26, 2007

Mr. Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

We are writing to express our serious concerns regarding the Environmental Protection Agency's (EPA) proposed rule listed in the Federal Register on June 15, 2007, Expansion of the Resource Conservation and Recovery Act (RCRA) Comparable Fuel Exclusion (72 FR 33284).

This rule seeks to expand by more than eight times the current amount of hazardous waste reclassified as Comparable Fuel and excluded from all hazardous waste regulations. With an expansion of this magnitude, it is imperative that all relevant information be made available to the public so that potentially affected communities are afforded the right to comment on such a serious proposal, pursuant to 5 U.S.C. §§ 553(b)(3) and 553(c).

In issuing the proposed rule, however, the EPA never made available the exact facilities expected to handle and dispose of the deregulated waste. This information was released only after the comment period ended. The communities surrounding these eighty-six facilities were unaware that the rule would directly affect them and should be allowed to comment in light of this new information.

Further, these communities deserve to know the impact of the proposed rule on the surrounding air quality and environment. The EPA only completed national testing, and those results concluded that "when [the deregulated hazardous waste] with higher concentrations of certain hydrocarbons and oxygenates than fuel oil is burned even under good combustion conditions, emissions of hazardous organics may be somewhat higher than those from burning fossil fuel." In fact, out of 175 test conditions for hazardous waste, 24 exceeded oil emissions.

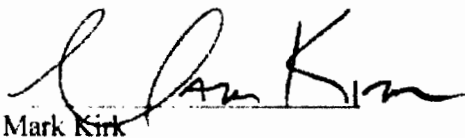
Unfortunately, the newly released information on the eighty-six facilities that will actually handle, and in most cases burn, the waste reveals that ninety percent of them have not been in full compliance with the RCRA regulations for hazardous waste treatment and disposal. It is therefore reasonable to expect that many of these facilities are likely to continue mismanaging the deregulated waste. This greatly enhances the risk of the proposed rule, and this risk must be fully evaluated and presented to the public.

We therefore request that the EPA complete an assessment of environmental problems associated with excluding Emission-Comparable Fuel from hazardous waste regulations, including specific evaluations at each facility. A similar assessment was recently completed in order to conduct a more thorough study of the potential impacts of the regulatory changes listed in the Federal

Register on March 26, 2007 in the Supplemental Proposed Rule concerning Revisions to the Definition of Solid Waste (57 FR 14172). Such a study is warranted for a rule that may increase harmful emissions, even by the EPA's estimation.

As Congress and the Administration work to clean our air and reduce greenhouse gas emissions, we must take extreme caution in deregulating the storage, treatment and disposal of hazardous waste. We urge you to fully study the impact of this proposed rule and reopen the comment period for affected parties to act on such pertinent information. We look forward to your response.

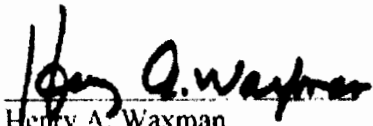
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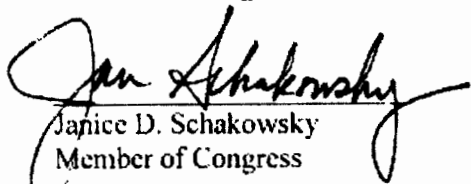
Mark Kirk
Member of Congress



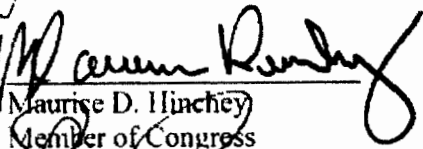
Michael N. Castle
Member of Congress



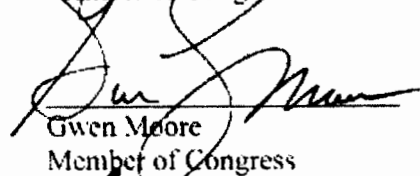
Henry A. Waxman
Member of Congress



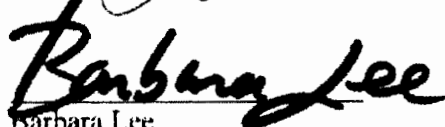
Janice D. Schakowsky
Member of Congress



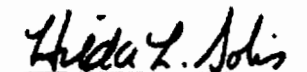
Maurice D. Hinchey
Member of Congress



Gwen Moore
Member of Congress



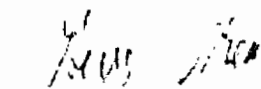
Barbara Lee
Member of Congress



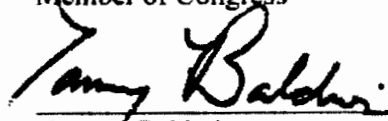
Hilda L. Solis
Member of Congress



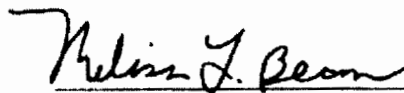
Albert Russell Wynn
Member of Congress



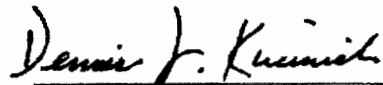
Gene Green
Member of Congress



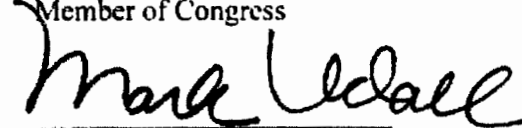
Tammy Baldwin
Member of Congress



Melissa L. Bean
Member of Congress



Dennis J. Kucinich
Member of Congress



Mark Udall
Member of Congress



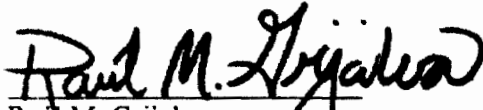
G.K. Butterfield
Member of Congress



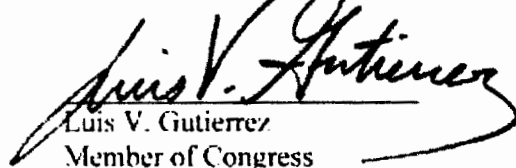
Louise M. Slaughter
Member of Congress



Henry Ellison
Member of Congress



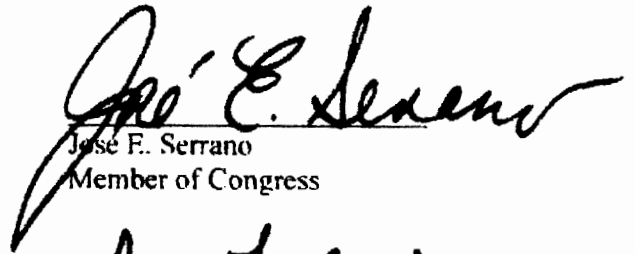
Raul M. Grijalva
Member of Congress



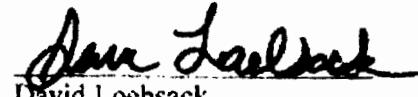
Luis V. Gutierrez
Member of Congress



Paul W. Hodes
Member of Congress



Jose E. Serrano
Member of Congress



David Loebsack
Member of Congress



Jesse L. Jackson, Jr.
Member of Congress



Donald M. Payne
Member of Congress



Bobby L. Rush
Member of Congress

AL-07-001 - 8983



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 17 2007

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Mark Kirk
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Kirk:

Thank you for your November 26, 2007, letter to Administrator Stephen Johnson, regarding the U.S. Environmental Protection Agency's (EPA's) proposed rule listed in the Federal Register on June 15, 2007, Expansion of the Resource Conservation and Recovery Act (RCRA) Comparable Fuel Exclusion (72 FR 33284). I appreciate your interest in this proposed rule.

EPA is working diligently to respond to your letter in a timely manner and expects to provide you with a response shortly.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Amy Hayden in the Office of Congressional and Intergovernmental Relations at (202) 564-0555.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Bliley", is written over the word "Sincerely,".

Christopher P. Bliley
Associate Administrator



THE NORTHEAST-MIDWEST COALITION

GREAT LAKES TASK FORCE

November 4, 2005

President George W. Bush
The White House
Washington, DC 20502

Dear Mr. President:

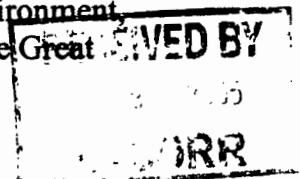
We are writing to follow-up on the Great Lakes Interagency Task Force's *Report to the President on the Implementation of the Great Lakes Executive Order*. After reading the report, we are disappointed by the limitations placed on Regional Collaboration through this report.

When Regional Collaboration was initiated last year, nothing indicated that the Regional Collaboration Strategy needed to stay within current budget projections, and we were led to believe that the Administration would consider some new budget initiatives. A serious consideration of the challenges faced in the Great Lakes region requires a commitment of federal resources.

As you stated in the Executive Order, "the Great Lakes are a national treasure," and we were encouraged by the Administration's commitment to address the environmental and natural resource challenges of the Lakes through a "regional collaboration of national significance." The Great Lakes Regional Collaboration has brought together roughly 1,500 people who are dedicated to protecting and restoring the Great Lakes. All of these individuals contributed time and resources in order to develop a strategic, comprehensive strategy for the Great Lakes.

Meaningful Great Lakes restoration cannot happen without support from all levels of government, including the federal government. The states, municipalities, and tribal officials, as well as the individual participants, have provided tremendous support for Regional Collaboration. However, these efforts alone will not restore the Lakes. Each party must be willing to provide additional short and long-term commitments in the near future. The problems impacting the Great Lakes will only get worse over time, and the implementation of the solutions will only become more expensive.

We cannot wait to start restoring the Great Lakes to a healthy condition for future generations. The Great Lakes are vital to our cities', states' and nation's environment, economy and way of life. We appreciate your past support for improving the Great



Lakes and strongly urge that you maintain your commitment to the Great Lakes by not limiting restoration recommendations to the current budget projections.

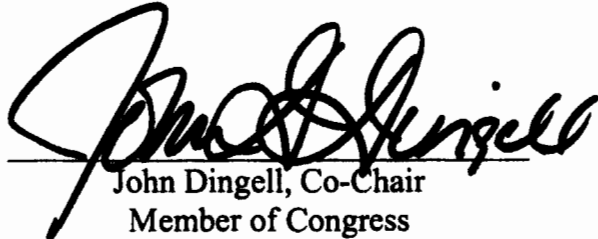
Sincerely,



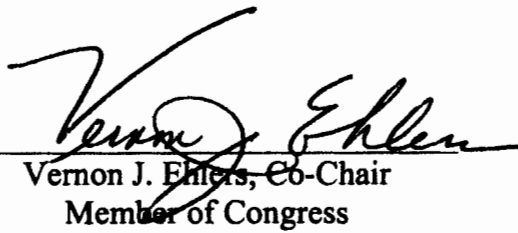
Mike DeWine, Co-Chair
United States Senator



Carl Levin, Co-Chair
United States Senator



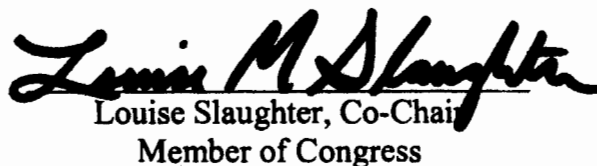
John Dingell, Co-Chair
Member of Congress



Vernon J. Ehlers, Co-Chair
Member of Congress



Mark Kirk, Co-Chair
Member of Congress



Louise Slaughter, Co-Chair
Member of Congress



Russell D. Feingold
United States Senator



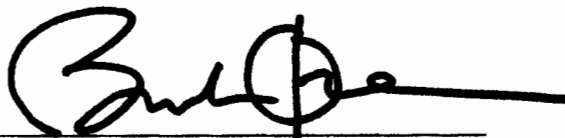
Debbie Stabenow
United States Senator



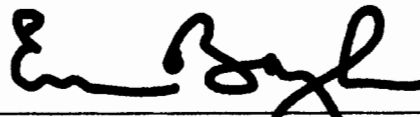
George V. Voinovich
United States Senator



Richard Durbin
United States Senator



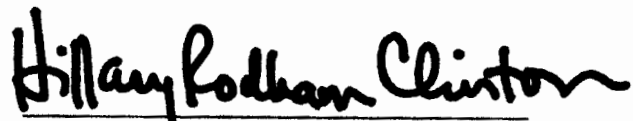
Barack Obama
United States Senator



Evan Bayh
United States Senator



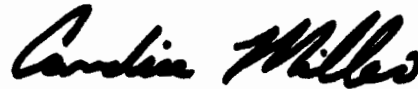
Herb Kohl
United States Senator



Hillary Rodham Clinton
United States Senator



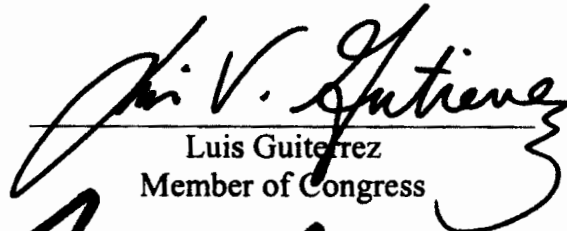
Rahm Emanuel
Member of Congress



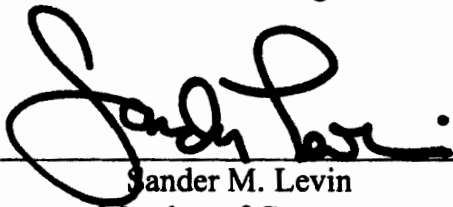
Candice Miller
Member of Congress



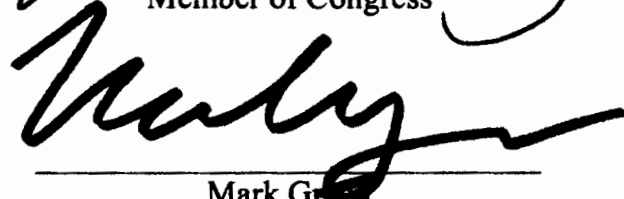
Fred Upton
Member of Congress



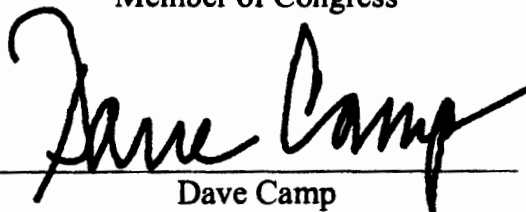
Luis Guitierrez
Member of Congress



Sander M. Levin
Member of Congress



Mark Green
Member of Congress



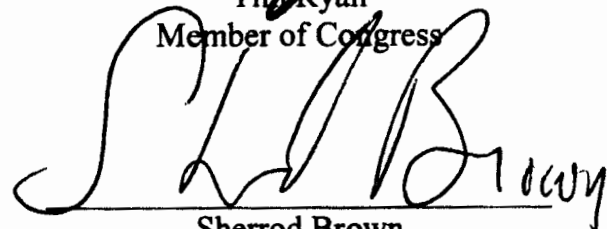
Dave Camp
Member of Congress



Tim Ryan
Member of Congress



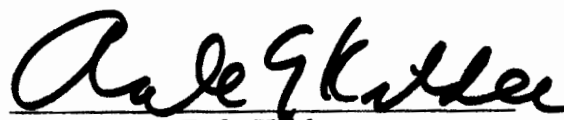
Steven LaTourette
Member of Congress



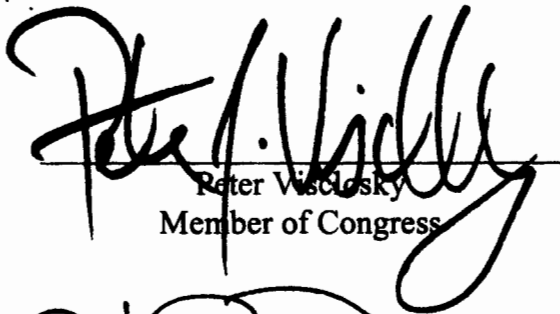
Sherrod Brown
Member of Congress



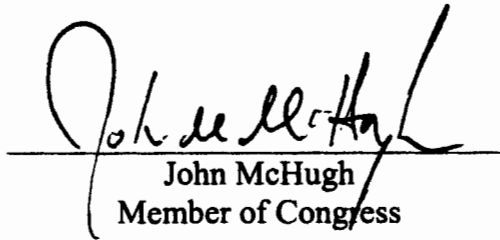
Bart Stupak
Member of Congress



Dale Kildee
Member of Congress



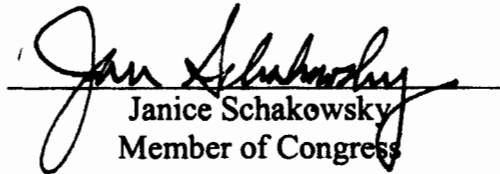
Peter Visclosky
Member of Congress



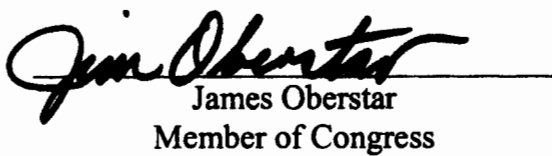
John McHugh
Member of Congress



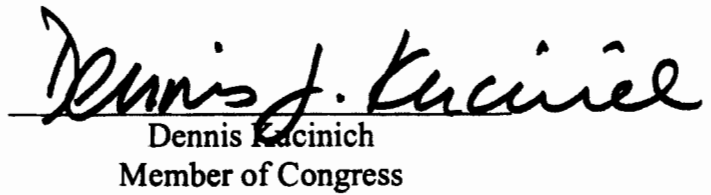
Mike Rogers
Member of Congress



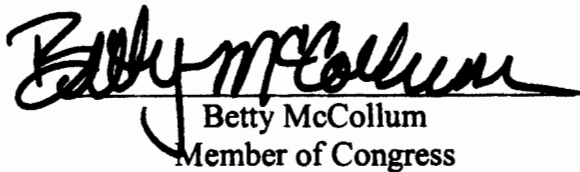
Janice Schakowsky
Member of Congress



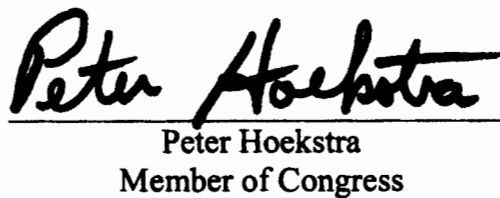
James Oberstar
Member of Congress



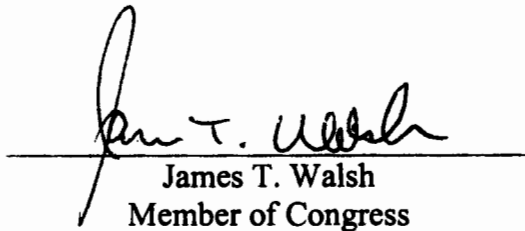
Dennis J. Kucinich
Member of Congress



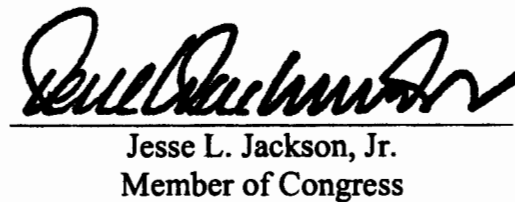
Betty McCollum
Member of Congress



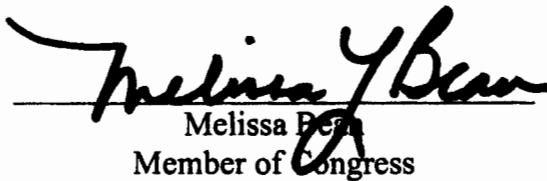
Peter Hoekstra
Member of Congress



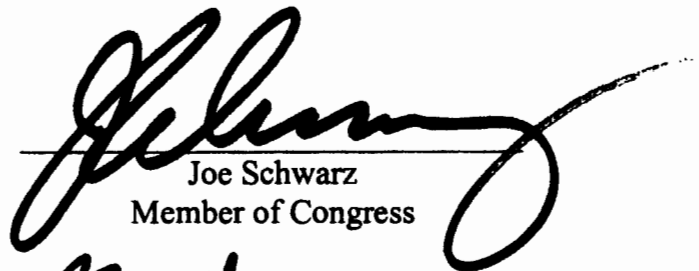
James T. Walsh
Member of Congress



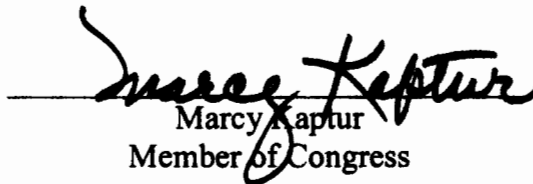
Jesse L. Jackson, Jr.
Member of Congress



Melissa Bean
Member of Congress



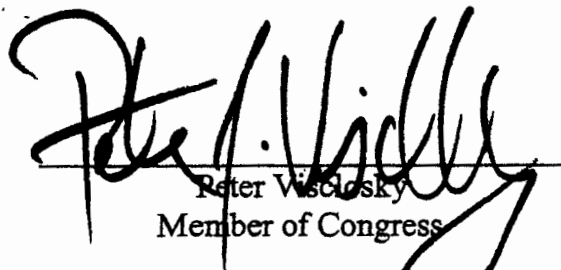
Joe Schwarz
Member of Congress

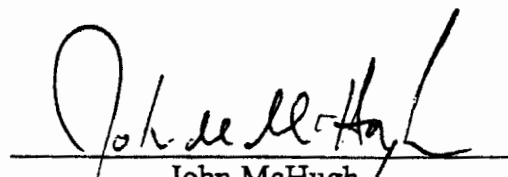


Marcy Kaptur
Member of Congress

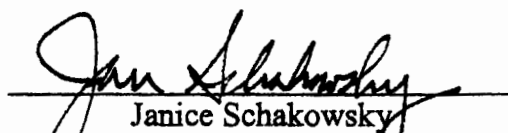


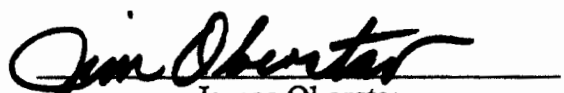
Brian Higgins
Member of Congress

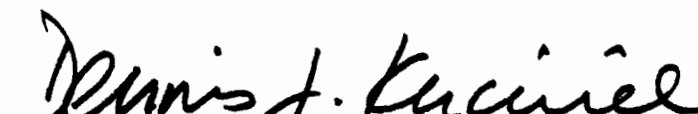

Peter Visclosky
Member of Congress


John McHugh
Member of Congress



Mike Rogers
Member of Congress

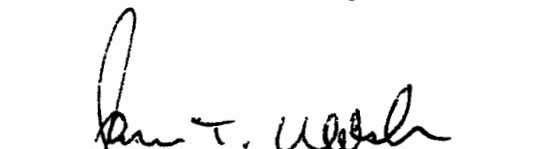

Janice Schakowsky
Member of Congress



James Oberstar
Member of Congress



Dennis Kucinich
Member of Congress

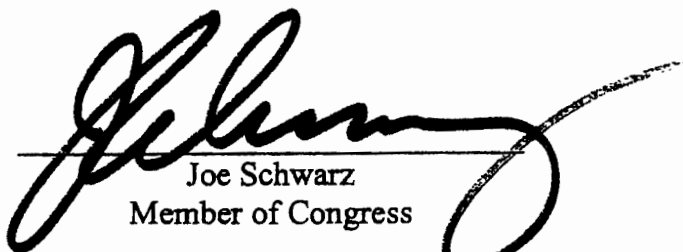

Betty McCollum
Member of Congress



Peter Hoekstra
Member of Congress


James T. Walsh
Member of Congress


Jesse L. Jackson, Jr.
Member of Congress


Melissa Bean
Member of Congress


Joe Schwarz
Member of Congress


Marcy Kaptur
Member of Congress


Brian Higgins
Member of Congress


Mark Dayton
United States Senator

Congress of the United States
Washington, DC 20515

April 17, 2007

The Honorable Steven L. Johnson
 Administrator
 U.S. Environmental Protection Agency
 Ariel Rios Building
 1200 Pennsylvania Avenue, N.W.
 Washington, DC 20460

CCU
 John
 Kille
 Catherine
 Chris
 Kevin

Re: *Green Infrastructure and Water Pollution*

Dear Administrator Johnson:

Wet weather pollution is a large and rapidly growing source of pollution in U.S. rivers, lakes, and coastal waters. Communities across the nation are looking for efficient and cost effective ways to reduce stormwater pollution, minimize combined sewer overflows, and ensure that there will be safe and clean water resources for the future. We believe the Environmental Protection Agency (EPA) should support these efforts by establishing a strategy for utilizing green infrastructure to reduce stormwater and sewer related-problems.

Many communities recognize the benefits of using green infrastructure, which can help restore the natural hydrology, water quality and habitat to urban and suburban watersheds. However, existing regulations do not adequately encourage the use of these approaches. For instance, regulators' lack of data, modeling tools, and familiarity with green infrastructure often stymie community efforts to implement these practices.

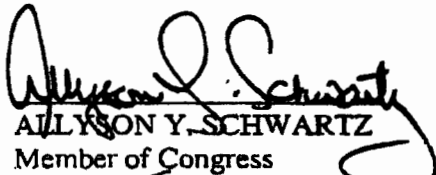
That is why the EPA should develop and implement a strategy for the use of green infrastructure to mitigate combined sewer overflows, stormwater discharges, and other wet weather water quality problems. The plan should include the development of guidance, templates, technical assistance, research, and education and outreach efforts to be undertaken by EPA in partnership with states, utilities, and nonprofits.

We urge you to develop the initial plan this spring so that it can be finalized and implementation can begin in Fiscal Year 2008, and we recommend using the *Statement of Support for Green Infrastructure* (copy attached) as a resource in putting together this guidance. The *Statement* promotes the use of green infrastructure solutions to address water quality issues, and it was developed by a broad coalition of organizations that are committed to preserving our environment.

PRINTED ON RECYCLED PAPER

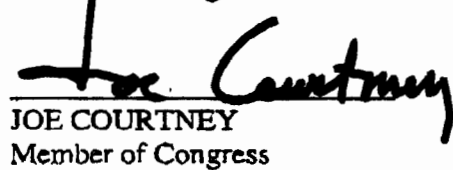
Thank you for considering this request. We look forward to working with you to expeditiously implement this strategy, and to helping our communities improve water quality in a sustainable manner. If you have any questions or would like to discuss this proposal further, please contact John Sherry with Representative Allyson Y. Schwartz at 202-225-6111 or john.sherry@mail.house.gov.


Sincerely,


ALLYSON Y. SCHWARTZ
Member of Congress


VERNON EHLERS
Member of Congress


JIM McDERMOTT
Member of Congress

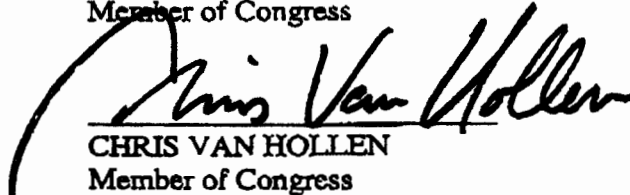

JOE COURTNEY
Member of Congress


MIKE HONDA
Member of Congress


BETTY MCCOLLUM
Member of Congress

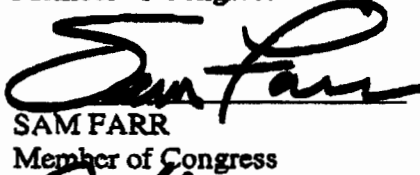

MARK KIRK
Member of Congress

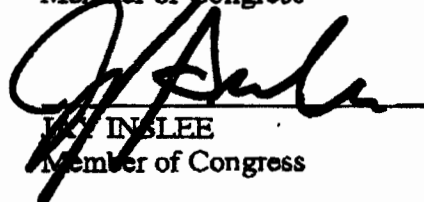

EARL BLUMENAUER
Member of Congress


CHRIS VAN HOLLEN
Member of Congress


JAMES MORAN
Member of Congress


PAUL GRIJALVA
Member of Congress


SAM FARR
Member of Congress


JAY INSLEE
Member of Congress

Stakeholder Statement of Support for Green Infrastructure
(Signatories as of 3/19/07)

Purpose

To bring together organizations that recognize the benefits of using green infrastructure in mitigating overflows from combined and separate sewers and reducing stormwater pollution and to encourage the use of green infrastructure by cities and wastewater treatment plants as a prominent component of their Combined and Separate Sewer Overflow (CSO & SSO) and municipal stormwater (MS4) programs.

Goals

Green infrastructure can be both a cost effective and an environmentally preferable approach to reduce stormwater and other excess flows entering combined or separate sewer systems in combination with, or in lieu of, centralized hard infrastructure solutions. The undersigned organizations support:

- Use of green infrastructure by cities and utilities where it is an effective and feasible means of reducing stormwater pollution and sewer overflows;
- Development of models to quantify stormwater detention, retention, and filtration potential of green infrastructure to better identify opportunities to successfully use green infrastructure in CSO, SSO, MS4 and nonpoint source programs;
- Monitoring to verify the amount of CSO, SSO, and stormwater discharge reduction that cities obtain through using green infrastructure;
- Measurement of economic and environmental benefits realized from the use of green infrastructure in sewer systems and quantification of its life-cycle costs;
- Increased federal, state, and local funding for green infrastructure initiatives;
- Elimination of barriers to the incorporation of green infrastructure in stormwater and sewer system programs;
- Development and funding of a plan to identify research needs to further green infrastructure;
- Preparation of guidance documents to assist cities and wastewater treatment plants in developing green infrastructure initiatives in their CSO, SSO, and MS4 programs; and
- Development of model provisions to incorporate green infrastructure into CSO and MS4 permits; SSO capacity, management, operations, and maintenance plans; and consent decrees and other enforcement vehicles.

Background

Many communities in the United States are looking for ways to reduce overflows from sewer systems and stormwater discharges. Overflows occur when combined sewage and stormwater pipes overflow due to rainfall or other wet weather events. In the late 20th century, most cities that attempted to reduce sewer overflows did so by separating combined sewers, expanding treatment capacity or storage within the sewer system, or by replacing broken or decaying pipes. More recently, a number of cities and utilities have recognized that sewer overflows can also be reduced effectively by diverting stormwater from the sewer system and directing it to areas where it can be infiltrated, evapotranspired or re-used. These approaches are often referred to as "green infrastructure" because soil and vegetation are used instead of, or in addition to, pipes, pumps, storage tunnels, and other "hard infrastructure" that is traditionally used to store and treat the combined sewage and stormwater. Green infrastructure can also be used to reduce stormwater discharges and help to restore the natural hydrology, water quality and habitat of urban and suburban watersheds.

Green Infrastructure Benefits

Green infrastructure approaches currently in use include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains. Green infrastructure can be used almost anywhere where soil and vegetation can be worked into the urban or suburban landscape. Green infrastructure is most effective when supplemented with other decentralized storage and infiltration approaches, such as the use of permeable pavement and rain barrels and cisterns to capture and re-use rainfall for watering plants or flushing toilets. These approaches can be used to keep rainwater out of the sewer system so that it does not contribute to a sewer overflow and also to reduce the amount of untreated stormwater discharging to surface waters. Green infrastructure also allows stormwater to be absorbed and cleansed by soil and vegetation and either re-used or allowed to flow back into groundwater or surface water resources.

Green infrastructure has a number of other environmental and economic benefits in addition to reducing the volume of sewer overflows and stormwater discharges.

- *Cleaner Water* – Vegetation and green space reduce the amount of stormwater runoff and, in combined systems, the volume of combined sewer overflows.
- *Enhanced Water Supplies* – Most green infiltration approaches involve allowing stormwater to percolate through the soil where it recharges the groundwater and the base flow for streams, thus ensuring adequate water supplies for humans and more stable aquatic ecosystems.
- *Cleaner Air* – Trees and vegetation improve air quality by filtering many airborne pollutants and can help reduce the amount of respiratory illness.
- *Reduced Urban Temperatures* – Summer city temperatures can average 10°F higher than nearby suburban temperatures. High temperatures are linked to higher ground

level ozone concentrations. Vegetation creates shade, reduces the amount of heat absorbing materials and emits water vapor – all of which cool hot air.

- *Increased Energy Efficiency* – Green space helps lower ambient temperatures and, when incorporated on and around buildings, helps shade and insulate buildings from wide temperature swings, decreasing the energy needed for heating and cooling.
- *Community Benefits* – Trees and plants improve urban aesthetics and community livability by providing recreational and wildlife areas. Studies show that property values are higher when trees and other vegetation are present.
- *Cost Savings* – Green infrastructure may save capital costs associated with digging big tunnels and centralized stormwater ponds, operations and maintenance expenses for treatment plants, pumping stations, pipes, and other hard infrastructure; energy costs for pumping water around; cost of treatment during wet weather; and costs of repairing the damage caused by stormwater and sewage pollution, such as streambank restoration.

Supporting Organizations

The undersigned organizations hereby endorse this *Statement of Support* and commit to its implementation.

AMERICAN INSTITUTE OF ARCHITECTS (www.aia.com)

AMERICAN PUBLIC WORKS ASSOCIATION (www.apwa.net)

AMERICAN RIVERS (www.americanrivers.org)

AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS (www.asla.org)

AMIGOS BRAVOS (www.amigosbravos.org)

ASSOCIATION OF ENVIRONMENTAL AUTHORITIES of NJ (www.aeanj.org)

ASSOCIATION OF STATE AND INTERSTATE WATER POLLUTION CONTROL ADMINISTRATORS (www.asiwpca.org)

CALIFORNIA ASSOCIATION OF SANITATION AGENCIES (www.casaweb.org)

CENTER FOR NEIGHBORHOOD TECHNOLOGY (www.cnt.org)

CITIZENS CAMPAIGN FOR THE ENVIRONMENT (www.citizenscampaign.org)

CLEAN WATER ACTION (www.cleanwateraction.org)

COALITION FOR ALTERNATIVE WASTEWATER TREATMENT

THE CONSERVATION FUND (www.conservationfund.org)

ENVIRONMENTAL INTEGRITY PROJECT (www.environmentalintegrity.org)

GULF RESTORATION NETWORK (<http://healthygulf.org>)

HEAL THE BAY (www.healthebay.org)

HEALING OUR WATERS (www.healingourwaters.org)

INTERNATIONAL SOCIETY OF ARBORICULTURE (www.isa-arbor.com)

THE LOW IMPACT DEVELOPMENT CENTER (www.lowimpactdevelopment.org)

NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES (www.nacwa.org)

NATIONAL AUDUBON SOCIETY (www.audubon.org)

NATURAL RESOURCES DEFENSE COUNCIL (www.nrdc.org)

OREGON ASSOCIATION OF CLEAN WATER AGENCIES (www.oracwa.org)

SANTA MONICA BAYKEEPER (www.smbaykeeper.org)

SIERRA CLUB (www.sierraclub.org)

TENNESSEE CLEAN WATER NETWORK (www.tcwn.org)

WET WEATHER PARTNERSHIP (www.csop.com)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY - 3 2007

The Honorable Mark Kirk
U.S. House of Representatives
Washington, DC 20515

OFFICE OF
WATER

Dear Congressman Kirk:

Thank you for your letter of April 17, 2007, to Administrator Steven L. Johnson, supporting the utilization of green infrastructure to help solve many of our nation's water pollution problems. As you may know, on April 19, 2007, I signed a *Green Infrastructure Statement of Intent* with several partnering organizations. The *Statement* formalizes a collaborative effort among the Environmental Protection Agency (EPA), the National Association of Clean Water Agencies (NACWA), the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), the Natural Resources Defense Council (NRDC), and the Low Impact Development (LID) Center to assist state, city and local governments in implementing and evaluating innovative and effective green infrastructure approaches. A copy of the *Statement* is enclosed.

A working committee with representation from these groups, with ad hoc input from other organizations, is currently drafting a national strategy to facilitate more effective utilization of green infrastructure to mitigate combined sewer overflows, stormwater discharges and other wet weather problems. EPA has just launched a new web page on Green Infrastructure (www.epa.gov/npdes/greeninfrastructure). We will keep this updated with new information, tools, and materials relevant to the strategy and its implementation. The Agency has and will continue to utilize *The Statement of Support for Green Infrastructure* included with your letter in preparing our green infrastructure strategy.

EPA is committed to meaningful implementation of green infrastructure approaches to our nation's water quality problems, and we greatly value your support. Again, thank you for your letter. If you have further questions, please contact me or your staff may call Steve Kinberg, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-5037.

Sincerely,

A handwritten signature in black ink, which appears to read "B. H. Grumbles".

Benjamin H. Grumbles
Assistant Administrator

Enclosure

A large, handwritten note in black ink that says "Thanks for your environmental leadership".



THE NORTHEAST-MIDWEST COALITION

GREAT LAKES TASK FORCE

May 24, 2007

The Honorable Stephen Johnson
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, DC 20460

Dear Administrator Johnson:

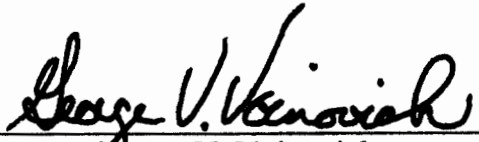
We are writing to follow-up on concerns raised by a recently released Government Accountability Office (GAO) report titled "GREAT LAKES: EPA and States Have Made Progress in Implementing the BEACH Act, but Additional Actions Could Improve Public Health Protection." While we appreciate the ability of the EPA to stretch funding, we encourage you to reconsider how your agency distributes BEACH Act grant funds to states.

Contaminated water along Great Lakes beaches continues to be a human health threat to swimmers and others that come in contact with the water. Water borne illnesses have been reported in several states, some with serious consequences. The Natural Resources Defense Council reported that in 2005 beaches in the Great Lakes had at least 2,740 days of health advisories or beach closures. Considering that beaches in the Great Lakes are only open on a seasonal basis, the information about advisories and closures is concerning.

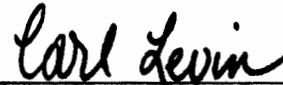
In the GAO's report, the GAO found that EPA's formula to distribute grants "does not accurately reflect the monitoring needs of the states." The BEACH Act requires EPA to consider three factors in the formula for distributing grant funds—length of beach season, beach miles, and beach use. In practice, EPA places considerably more weight on the beach season factor than the other factors. Because of that emphasis, states that have seasonal beaches but differing coastlines and coastal populations will receive about the same amount of grant funding. Therefore, we strongly encourage you to reconsider the formula used to distribute BEACH Act grants to states.

We appreciate your support for improving the Great Lakes and look forward to working with you on this issue.

Sincerely,




George V. Voinovich
United States Senator



Carl Levin
United States Senator



Debbie Stabenow
United States Senator



Russell D. Feingold
United States Senator



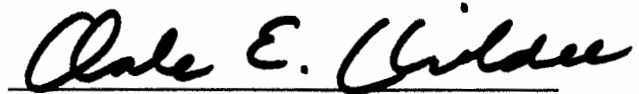
Mark Kirk
Member Congress



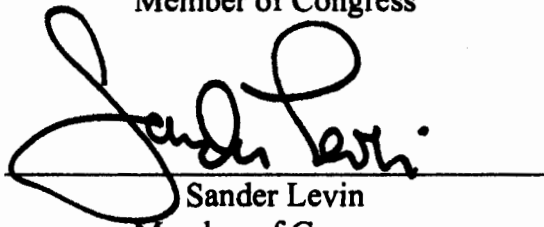
John Dingell
Member of Congress



Brian M. Higgins
Member of Congress



Dale Kildee
Member of Congress



Sander Levin
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 20 2007

OFFICE OF
WATER

The Honorable Mark Kirk
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Kirk:

Thank you for your letter of May 24, 2007, to Stephen L. Johnson, Administrator of the U.S. Environmental Protection Agency (EPA). The EPA appreciates the interest of the members of the Great Lakes Task Force in the Agency's implementation of the BEACH Act of 2000. Your letter strongly encourages EPA to reconsider the BEACH Act grant allocation formula in follow up to the May 2007 U.S. Government Accountability Office (GAO) report, *Great Lakes: EPA and States Have Made Progress in Implementing the BEACH Act, but Additional Actions Could Improve Public Health Protection (GAO-07-591)*. We previously responded to GAO's "Recommendations for Executive Action" in the review draft of the document and our response is included in the final report as Appendix IV. The information provided below describes the actions and rationale of EPA in addressing the limitations of the allocation formula.

A cornerstone of EPA's Beach Program are the grants that the BEACH Act authorizes the Agency to make to states, territories, and tribes to develop and implement monitoring and notification programs. An issue facing EPA has been whether to revise the existing allocation formula for distributing beach grant funds. In 2006-2007, EPA engaged the states in a year-long stakeholder dialogue to discuss whether and how to modify the current BEACH Act grant allocation formula. There was high state participation (25 of the 35 BEACH Act states and territories participated) in a series of conference calls to explore the same types of question that GAO raised. EPA developed and presented to the states approximately 5 allocation funding options, some of which generated outcomes very close to those produced by GAO. EPA was successful in producing allocation formula scenarios that provided larger grants to states with more beaches and more people; however, the potential impact to established beach monitoring programs in the states that would have lost funding was viewed by the workgroup participants, winners and losers alike, as detrimental to programs in those states and to the national BEACH Act program. The main reason cited is that there is a minimum base level of funding that is needed to operate a state beach monitoring and advisory program---regardless of the number of beach miles or the length of the beach season.

Considerations for a base level of funding include supporting a state beach coordinator along with sufficient resources to effect the other requirements of the BEACH Act, including collecting and submitting to EPA data on water quality and advisories, and the extent of beaches

and population. GAO correctly highlighted the same disparities that led EPA to convene a dialogue with state partners to consider options for revisiting the formula. For many states, budgets are very tight, and funds for recreational water monitoring are limited to the amount received in BEACH Act grant funding. These states are extremely sensitive to the prospect of any reductions in their grant amounts; some states have indicated to EPA that they might choose to opt out of EPA's BEACH Act grant program if their grant amounts are reduced.

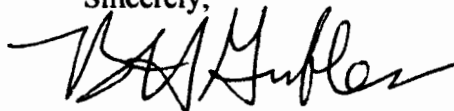
For states such as Florida and California which use BEACH Act funds to supplement existing state funding for beaches, tourism and associated beach use are major drivers of the states' economies. Although these two states are among those that receive proportionately less than might otherwise be the case under alternative allocation scenarios, both provide very substantial additional monies for beach monitoring, and both were supportive of EPA's plan to make only minor changes to the current allocation formula.

EPA undertook an extensive and detailed process with stakeholders to assess the benefits and potential effects of changes to the allocation formula. EPA engaged in numerous rounds of communication with stakeholders and an iterative process of modeling numerous approaches to grant allocation. The allocation formula consists of four factors which were varied in an effort to optimize the resulting allocation of grant dollars to achieve the maximum public health benefit. Those factors are: 1) a base level of funding, 2) a state-reported beach season length, 3) an index of beach length, and 4) an index of beach usage. The highlights of this process are described in Attachment A to this letter, and which hopefully conveys the extent of the process undertaken by EPA to make the formula more sensitive to the latter two factors. Of primary concern to EPA was to find the best approach for distributing funds in a manner that would yield the highest level of public health protection to the greatest number of people.

As described in the enclosure, variations of the base funding level, and its proportion of the overall funding level, was one set of variables that were modeled. The current allocation formula incorporates the National Oceanic & Atmospheric Administration's (NOAA) coastal miles as a surrogate for beach length. EPA employed preliminary beach length data provided by the states in varying proportions as a second variable change. Beach usage was the third factor that was varied in the scenarios that EPA modeled. Data from NOAA on actual beach usage in marine coastal states was extrapolated to Great Lakes beaches and its contribution to the grant allocation varied in an effort to achieve an acceptable formula. In the end, and for the reasons cited, the existing formula was retained as a base relative to the level of funding that the program has historically received. EPA intends to publish in the Federal Register its preliminary decision to retain the current formula as a basis for grant allocation of the current/ historical level of funding of the program and to incorporate limited incentives for states to ensure that their grant funds are spent effectively and in a timely manner in the future.

I hope that this information addresses the concerns of the Great Lakes Task Force. Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

A handwritten signature in black ink, appearing to read "B. H. Grumbles", written in a cursive style.

Benjamin H. Grumbles
Assistant Administrator

Enclosure

Enclosure:
Summary of the Review of the Beach Grant Allocation Formula Process

In 2006-2007, the Environmental Protection Agency (EPA) engaged the states in a year-long stakeholder dialogue to discuss whether and how to modify the current BEACH Act grant allocation formula. The goal was to have a fully transparent and inclusive process for deciding whether to change the existing allocation formula. Most of the Beach Act states/ territories (25 of 35) participated in a series of conference calls. The workgroup explored possible changes to the allocation formula and addressed the same types of questions raised by GAO.

This workgroup was convened because some states appeared to have more grant money than can be effectively used while other states are in need of additional grant money. Some Beach Act states appeared slow in spending their grant funds, and redistribution of these unspent funds to states in need appeared reasonable. In addition, some states were not invoicing their spending in a timely manner. The State of Michigan had suggested that the current formula was not equitable and requested a re-evaluation.

The workgroup began its deliberations on February 15, 2006 and continued these deliberations through mid-June, with approximately 2 calls per month. The workgroup thoroughly evaluated the four factors that are currently used in the beach grant allocation formula (base funding, season length, beach length, and beach use).

Base Funding

The workgroup evaluated numerous options that with different base funding levels, including several that changed the current minimum base funding of \$150,000 to \$50,000. Based on the results of EPA's analysis, the workgroup recommended that the revised base be less than \$100,000 (i.e. the minimum amount required to have a beach program). Since the programs are now established a reduction in the base funding would be appropriate. Funding is used for salaries, sample collection and analysis, sample transportation, lab costs, and data entry.

Season Length

The allocation formula groups states into one of four beach season lengths (0-3 months, 3-4 months, 5-6 months and greater than six months). Each bin adds from \$0 to \$150,000 to each state's allocation. The workgroup considered several options and recommended no change in this allocation formula factor.

In the current allocation formula, \$8.2 million of the \$10 million is accounted for by these two factors (base and beach season length). The remaining \$1.8 million is distributed evenly between the two remaining factors (beach length and beach use)

Beach Length

Discussions about beach length focused on whether to continue using total beach miles or monitored beach miles that each state submitted to EPA's PRAWN database, or to continue using National Oceanic & Atmospheric Administration (NOAA) total shoreline

miles data. NOAA shoreline miles were selected to proxy for beach length in 2002 because the data were reported by a single reliable source. The problem with NOAA shoreline data is that for some states this approximation of beach length over-estimates beach miles (e.g. Louisiana's NOAA shoreline miles are large since the shoreline is a delta, while the actual extent of beach miles is only a tiny fraction of the state's shoreline). The workgroup's close review of the PRAWN (EPA's tracking database for storing national information on beach advisories and closings) total beach miles data revealed that states sometimes define their beaches differently, the data for some states may not be complete, and the data for some states are sometimes very rough estimates. Consequently, at this time, the workgroup was reluctant to recommend using the PRAWN total beach mile data, and all agreed that improvements and better consistency are needed. However, the workgroup did recommend using "monitored" beach miles in PRAWN since this data was also available, is more consistent, and reflects existing state monitoring. Monitored beach miles could be updated annually by states and would reflect the most current beach monitoring as programs develop and more monitoring occurs. The workgroup recommended that in the final allocation formula monitored beach miles be used and grouped into several categories.

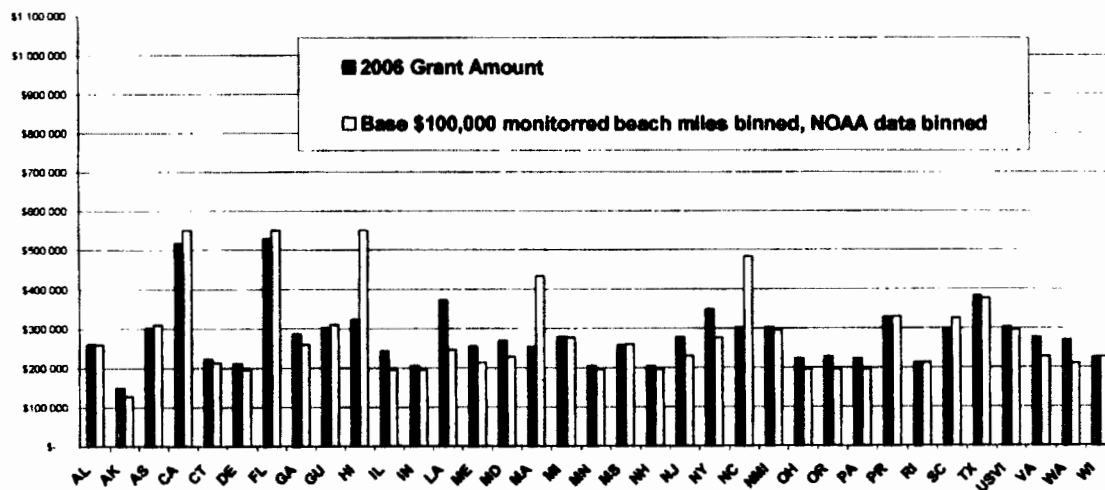
Beach Use

EPA currently uses coastal county population (data from the 2000 census) data as a surrogate for beach use as it was the best data available in 2002 when the first allocation formula was developed. During this revision process, discussions about Beach Use focused on finding a better estimate of beach use. One new, reliable, and independently-verifiable data source identified was NOAA's Current Participation Patterns in Marine Recreation. This document includes swimming activity for most states, but does not include the Great Lakes States or the territories. EPA, however, was able to develop estimates for the missing states and territories based on comparisons with known coastal county population data. These estimates and the data in NOAA's report were acceptable to the workgroup. The workgroup recognized that this data represented a large improvement over coastal county population data. The workgroup recommended that in the final allocation formula that this data be used and binned into several categories.

The most successful version of the revised allocation formula was evaluated (Figure 1) using the workgroup's recommendations (\$100,000 base, no change in beach season, binning of monitored beach miles, binning NOAA swimming activity data). However, the results were not generally viewed within the workgroup as acceptable because some states' funding was reduced significantly. It was considered that reductions in grant amounts would potentially damage relationships with localities implementing the monitoring that have been established over the last five years, while other states that would get additional funds might not be effectively spent. Furthermore, states (WA, NY, WI, MI, OR, and NJ) indicated that a reduction of as little as 10% in beach grant funds would cause significant program reductions. National program coverage could be possibly lost, and EPA could be required to operate monitoring programs in states that might opt out of the national program.

The workgroup reached a consensus to maintain the existing allocation formula when the BEACH grants funds are equal to the current level of funding and that Louisiana should be considered a special case like Alaska for grant fund distribution. In addition, this recommended scenario did not significantly increase the beach grant funding for Great Lakes States.

Beach Grant Allocation formula revision Scenario



Results of best scenario:

Program reductions to: AK, CT, DE, GA, IL, IN, LA, ME, MD, MN, NH, NJ, NY, OH, OR, PA, TX, VA, WA

Small increases to: CA, FL, AS, GU, MS, PR, SC

Large increases to: HI, MA, NC

Approximately the same funding to: AL, MI, NMI, RI, USVI, WI

*NOAA Swimming Activity Data from:

From: Current Participation Patterns in Marine Recreation, November, 2001, By Dr. Vernon R. (Bob) Leeworthy and Peter C. Wiley, page 14.
http://marineeconomics.noaa.gov/NSRE/NSRE_2.pdf

Congress of the United States
Washington, DC 20515

June 3, 2009

Ms. Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

As Members of Congress representing the Great Lakes region, we are concerned about recent reports that British Petroleum (BP) has been violating clean air permits for as long as six years at its oil refining facility in Whiting, Indiana. We are therefore writing to request a comprehensive review of all ground, water and air pollution discharges at all British Petroleum refining facilities in the Great Lakes basin.

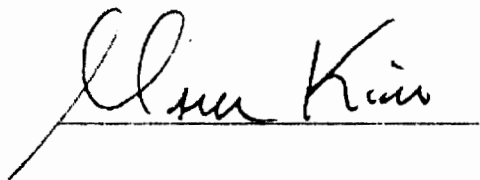
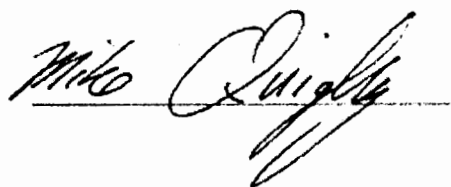
On June 2, 2009, BP reportedly acknowledged that it discharged benzene, linked to leukemia and other severe health problems, above federal pollution limits for at least the past six years. Levels of benzene emitted were approximately sixteen times the amount allowed in just the past year.

In July, 2007, the company applied to dump 54 percent more ammonia and 35 percent more industrial sludge into Lake Michigan. Fortunately, a coalition of federal, state and local leaders, environmental advocates and local citizens prevented the first new permitted pollution of the Great Lakes in a decade. We now understand that BP began the overhaul of this plant, without the proper permits, and increased air pollution for over thirty months in the southern region of the Great Lakes.

As you know, the Great Lakes are the crown jewel of our nation. They provide drinking water, food, jobs and recreation for more than thirty million Americans. President Obama recently included \$475 million in his Fiscal Year 2010 budget in order to restore our lakes. As we begin the federal restoration of the Great Lakes, we should ensure that BP fully complies with the environmental protection laws and permits.

We request that the EPA undertake a comprehensive review of each pollution discharge at the BP facility in Whiting, Indiana and other BP facilities in the Great Lakes region. We look forward to working with you to ensure the continued environmental protection of the Great Lakes.

Sincerely,

A handwritten signature in dark ink, appearing to read "Chris Kucinich", written over a horizontal line.A handwritten signature in dark ink, appearing to read "Mike Quigley", written over a horizontal line.

Daniel Fipinski

Muriel J. Bean

P. Roorkam

Tammy Dehman

Debbie Dehman

Bart Stupak

Frank Lytle

Candice A. Miller

Debbie Halvorson

Mike Rogers

Brian Higgs

Tom Petri

Bob Fick

Ken Elmer

Donna Hogg

Judy Bisset



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 29 2009

REPLY TO THE ATTENTION OF:
R-19J

The Honorable Mark Kirk
House of Representatives
Washington, D.C. 20515

Dear Congressman Kirk:

Thank you for your June 3, 2009 letter to Lisa Jackson, Administrator of the U.S. Environmental Protection Agency. I have been asked to respond on her behalf. In your letter, you expressed concerns about BP Products North America, Inc. (BP), its state of environmental compliance, and its impact on the Great Lakes basin. You requested a comprehensive Federal review of all air, water and ground pollution discharges at all BP refining facilities in the Great Lakes basin. I write to assure you that we are committed to achieving and maintaining environmental compliance at BP and in the Great Lakes basin.

Under the Clean Air Act (CAA), on August 29, 2001, in the Federal District Court for the Northern District of Indiana, BP entered into a consent decree with the United States. The consent decree was one of the first global settlements in EPA's Petroleum Refinery Initiative and resulted from a comprehensive investigation of BP's facilities. The consent decree covers eight BP refineries, including the Whiting, Indiana and Toledo, Ohio refineries, and it resolved numerous alleged violations of the CAA. These include alleged violations of New Source Review (NSR) at fluidized catalytic cracking units and heaters and boilers, New Source Performance Standards at flares, sulfur recovery units and fuel gas combustion devices, Leak Detection and Repair requirements and the Benzene Waste Operations National Emissions Standards for Hazardous Air Pollutants (Benzene Waste NESHAP). The agreement required BP to pay a civil penalty of \$9.5 million to the United States Treasury and \$500,000 to the State of Indiana. Under the settlement, BP was required to install pollution controls that would reduce emissions of nitrogen oxides and sulfur dioxide from refinery process units by more than 50,000 tons annually, at a cost of approximately \$600 million. This consent decree is still in effect.

Region 5's current CAA enforcement at BP Whiting is the result of a more recent national investigation, arising from coordinated inspections of BP refineries to determine BP's compliance with the 2001 consent decree, as well as other provisions of the Act. Region 5 inspected the BP Whiting refinery in December 2006 and January 2007, and again in June of 2009. As a result of this investigation, EPA has cited BP Whiting four times since January 2007 for alleged violations of the 2001 consent decree and for new violations of the CAA that arose after entry of the consent decree. Further, Region 5 has also cited the BP Toledo refinery for alleged violations of NSR. Additionally, other EPA Regions have initiated enforcement actions at BP facilities across the country.

More specifically, as a result of this national investigation, in January 2007, EPA issued a Notice and Finding of Violation (NOV/FOV) to BP Whiting alleging that it violated emission limits at its sulfur recovery plant. In November 2007, EPA issued a second NOV/FOV alleging, among other things, that BP failed to obtain a permit when it made a major modification to Fluidized Catalytic Cracking Unit 500 (FCU 500) during a maintenance turnaround in February 2005. After further investigation, in October 2008, EPA amended the November 2007 NOV/FOV to allege that BP had, in fact, commenced construction of the Canadian tar sands expansion project in February 2005 when it modified FCU 500 without first obtaining required permits.

Most recently, on May 18, 2009, EPA issued a Finding of Violation to BP Whiting for allegedly violating the Benzene Waste NESHAP. EPA alleges that for calendar years 2003 through 2008, BP Whiting failed to manage and treat benzene waste from the facility as required under the Benzene Waste NESHAP. On February 10, 2009, BP submitted a report required by the Benzene Waste NESHAP to EPA that showed that the quantity of benzene in waste streams in 2008 was almost 16 times the amount allowed. This violation was uncovered following BP's internal audit at the refinery last fall. BP self-disclosed the alleged violations and sought mitigation under EPA's Audit Policy. However, because BP failed to meet all the criteria of the Audit Policy, EPA denied the request and issued the FOV.

While the activity described above is primarily Federal monitoring and enforcement at the Region 5 BP facilities under the CAA, the states of Ohio and Indiana are very involved in activities under our water and land authorities. The Indiana Department of Environmental Management (IDEM) reissued the National Pollution Discharge Elimination System (NPDES) wastewater discharge permit for BP Whiting facility in 2007. IDEM has inspected BP Whiting five times in as many years. Over this time, IDEM has issued three notice letters for improper management of sludge containing oil, incomplete reporting, turbidity and oil sheen observations, and permit effluent violations.

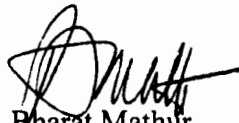
The Ohio Environmental Protection Agency (Ohio EPA) issued a NPDES permit for BP Toledo in 2004 and Ohio EPA has recently proposed to reissue the permit. EPA has reviewed the proposed permit and has commented on what changes are necessary for the permit to comply with Federal requirements. Ohio EPA has completed four inspections of the facility in the past five years.

Pursuant to Subtitle C of the Resource Conservation and Recovery Act, IDEM and the Ohio EPA are leading corrective action work for past releases of hazardous contaminants to soil and groundwater at the BP Whiting and BP Toledo refineries, respectively. The remediation work at both sites is ongoing and has significantly limited the migration of contaminants and minimized human health exposure.

Again, thank you for your letter. As you can see, we, along with our state partners, are committed to overseeing environmental compliance at the BP facilities and resolving any violations that arise. EPA pledges to continue this level of oversight into the future. If you have

any further questions, please contact me, or your staff may contact Mary Canavan or Ronna Beckmann, the Regional Congressional Liaisons, at (312) 866-3000.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bharat Mathur', with a stylized, cursive script.

Bharat Mathur
Acting Regional Administrator

AL-08-000-8182

Congress of the United States

Washington, DC 20515

June 16, 2008

The Honorable Steve Johnson
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Johnson:


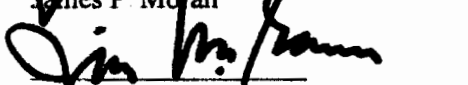
As you evaluate the impact of the renewable fuels standard on rising food prices, we are writing to encourage you to pursue advancing the development of cellulosic biofuels and other fuels that do not contribute to rising food prices and environmental concerns.

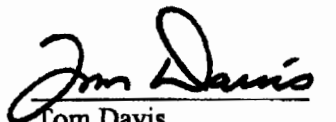
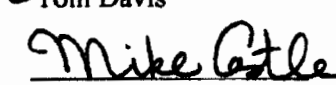
As you know, domestic food prices are rising twice as fast as inflation and global food prices have nearly doubled in the last three years. There are many factors contributing to rising food prices, including growing global demand, the price of oil, import restrictions, poor weather and the recent acknowledgement that the biofuels mandate is also a factor. Therefore, we believe it is critical that the Administration and Congress work to accelerate the development of biofuels made from wood waste, crop waste, and other materials that do not divert food and feed from domestic and international supplies. We believe that with appropriate incentives and investment in research and development, cellulosic biofuels could be pursued without displacing food crops and without using marginal land.

Cellulosic biofuel holds enormous promise. According to the USDA, 25 percent of America's corn crop was diverted to produce ethanol in 2007 and 30 to 35 percent will be diverted in 2008. Nonetheless, fuels derived from corn and other food crops will displace only about 4 percent of America's gasoline supplies this year. By contrast, cellulosic biofuel could displace one-third or more of domestic gasoline supplies, could significantly reduce the price of gasoline, and could reduce greenhouse gas emissions from fuels by 80 percent or more.

As you evaluate the impact of the renewable fuels standard on rising food prices, we urge you to do so in a way that will accelerate the development of advanced biofuels.

Sincerely,


James P. Moran

James McGovern


Tom Davis

Mike Castle

Peter A. DeFazio
Peter A. DeFazio

Ben Chandler
Ben Chandler

Kirsten Gillibrand
Kirsten Gillibrand

Dennis Moore
Dennis Moore

Luis Fortuño
Luis Fortuño

Frank A. Lobiondo
Frank A. Lobiondo

Michael F. Doyle
Michael F. Doyle

Mike Ross
Mike Ross

Dave Reichert
Dave Reichert

Shelley Berkley
Shelley Berkley

Vic Snyder
Vic Snyder

Marion Berry
Marion Berry

Brian Baird
Brian Baird

Jim Costa
Jim Costa

Pete Stark
Pete Stark

Brad Miller
Brad Miller

Betty Sutton
Betty Sutton

Mark S. Kirk
Mark S. Kirk

Maurice Hinchey
Maurice Hinchey

John Hall
John Hall

Diana DeGette
Diana DeGette

David Scott
David Scott

Michael H. Michaud
Michael H. Michaud

Steve Cohen
Steve Cohen

Ron Kind
Ron Kind

Frank R. Wolf
Frank R. Wolf

Peter Welch
Peter Welch

David Wu
David Wu

Heath Shuler
Heath Shuler

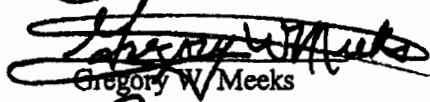
Jim Matheson
Jim Matheson

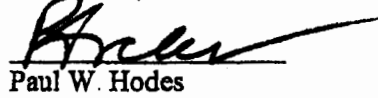
John T. Salazar
John T. Salazar

Adam Smith
Adam Smith

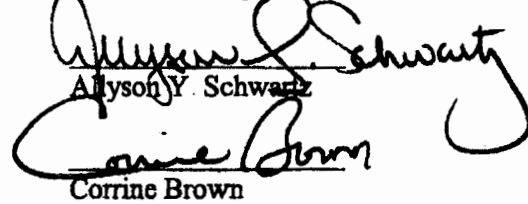

Rosa L. DeLauro

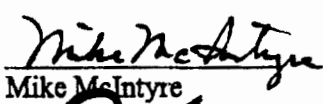

Yvette D. Clarke

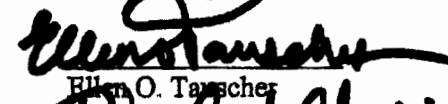

Gregory W. Meeks

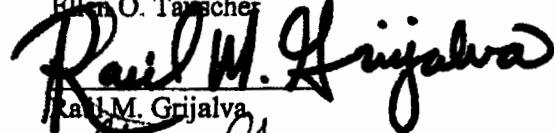

Paul W. Hodes

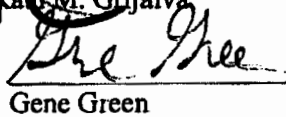

Rubén E. Hinojosa


Allyson Y. Schwartz

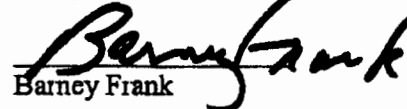

Mike McIntyre


Ellen O. Tauscher


Raúl M. Grijalva

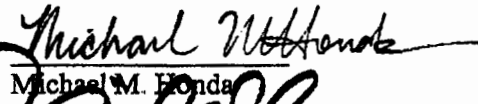

Gene Green


Eddolphus Towns

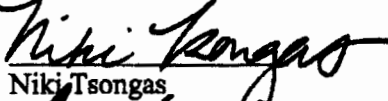

Barney Frank

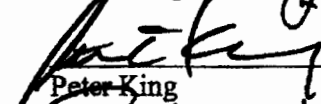

Jim Gerlach

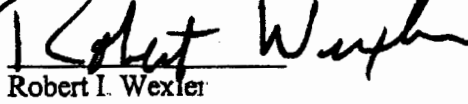

Albio Sires

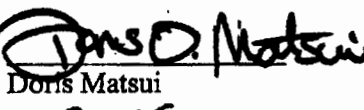

Michael M. Honda


Michael E. Capuano


Niki Tsongas


Peter King


Robert I. Wexler


Doris Matsui


Ron Klein



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 31 2008

OFFICE OF
AIR AND RADIATION

The Honorable Mark Kirk
U.S. House of Representatives
Washington, D.C. 20515

Dear Representative Kirk:

Thank you very much for your letter of June 16, 2008, co-signed by 57 of your colleagues, addressed to Stephen L. Johnson, Administrator of the U.S. Environmental Protection Agency (EPA). Your letter urged EPA's support for the advancement of cellulosic biofuels and other fuels which do not use food or feed commodities for feedstock. EPA agrees that such fuels hold great promise for helping our nation reduce its dependence on foreign oil and at the same time reduce the lifecycle greenhouse gas (GHG) emissions from transportation.

A little over a year ago, EPA adopted the first Renewable Fuel Standard (RFS) program as directed by the Energy Policy Act of 2005. This regulation put in place the compliance requirements to assure the mandated volumes of renewable fuel entered the transportation fuel pool. As authorized by the Energy Policy Act of 2005, extra credit is allocated to cellulosic biofuel, encouraging its development and use.

The Energy Policy Act of 2005 included two related sections authorizing EPA to carry out a variety of tasks related to the development of biofuels and bioproducts. Section 1511 created a wide range of programs all designed to assist in the research, demonstration, and production of ethanol from cellulosic biomass. The Agency was directed to "provide grants for the research into, and development and implementation of, renewable fuel production technologies in RFG states with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol."

Section 1514 established the Advanced Biofuel Technologies Program. In this program EPA is charged with demonstrating advanced technologies in the production of alternative transportation fuels. Specifically Section 1514(C)(1) states "the Administrator shall fund demonstration projects to develop not less than 4 different conversion technologies for producing cellulosic biomass ethanol." While no funds have been specifically appropriated to implement these provisions, we believed it was important to consider the growing role of advanced renewable fuel technologies. In late 2006, EPA conducted a general investigation into advanced renewable fuel production technologies through an invitation-only scoping workshop designed to identify some of the most viable candidate technologies, with the highest potential for near term commercialization and application to market.

We are now deep into the process of updating the Renewable Fuel Regulations in response to the mandates of the Energy Independence and Security Act (EISA) signed into law this past December. This regulatory revision will greatly expand the volumes of renewable fuel required to be used in the transportation sector through 2022. The Agency notes in particular that EISA separately mandates 16 billion gallons annually by 2022 of cellulosic biofuel which will be part of a total of 21 billion gallons of advanced biofuel. We anticipate some of this additional 5 billion gallons of advanced biofuel also has the potential to be derived from non-food feedstocks such as algae. By setting thresholds for lifecycle GHG performance of 50% reduction for advanced biofuel and 60% reduction for cellulosic biofuel compared to the petroleum fuels they would replace, the use of these advanced biofuels will greatly reduce the GHG emissions from transportation fuel and encourage the development of the low carbon alternative fuels derived from non-food feedstocks.

As part of an ongoing regulatory development process to implement EISA, we are working closely with our federal colleagues, in particular the Departments of Agriculture and Energy. Through this collaborative effort, we are assessing not only the full lifecycle GHG impacts, but other impacts, including the affect on other emissions, energy security, and cost to consumers for both food and fuel for the wide range of renewable fuels. We anticipate that these analyses will highlight the benefits of cellulosic biofuels and other biofuels produced from non-food feedstocks. As these agencies work with us in our rule development, we are focusing on the considerable efforts underway across the federal government to assess the potential benefits and associated costs of renewable fuels. Additionally, we have reached out to the many stakeholders to gain their insight into the future direction of renewable fuels.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Patricia Haman, in EPA's Office of Congressional and Intergovernmental Relations, at 202-564-2806.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Meyers", written in a cursive style.

Robert J. Meyers
Principal Deputy Assistant Administrator

R5-08-001-0631-C

MARK STEVEN KIRK
10TH DISTRICT, ILLINOIS

COMMITTEE ON
APPROPRIATIONS

SUBCOMMITTEES:
STATE, FOREIGN OPERATIONS, AND
RELATED AGENCIES
FINANCIAL SERVICES AND
GENERAL GOVERNMENT

Congress of the United States
House of Representatives
Washington, DC 20515-1310

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FAX: (202) 225-0837
www.house.gov/kirk

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NORTHBROOK, IL 60062
(847) 940-0202
FAX: (847) 940-7143

WAUKEGAN OFFICE
20 SOUTH MARTIN LUTHER KING, DRIVE
WAUKEGAN, IL 60085
(847) 662-0700
FAX: (847) 662-7518

August 11, 2008

Bharat Mathur
Acting Regional Administrator
U.S. Environmental Protection Agency
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Administrator Mathur,

I am writing regarding a Notice of Violation (EPA-5-08-IL-02) on behalf of several constituents who work at GFX International, Inc., in Grayslake, IL.

As the USEPA resolves the final penalty owed by GFX, I ask that full and fair consideration be provided to the company regarding the amount owed. While my constituents understand that a penalty may need to be paid, they are concerned that the judgment is disproportionate when compared to similar infractions by other companies.

I know you agree that we must hold companies accountable for any violations of our air quality laws. However, I ask that you review the matter to ensure that GFX receives fair and equitable treatment under the law.

Please direct your reply to Aaron Winters in my Northbrook office.

Sincerely,



Mark Kirk
Member of Congress



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

R5-08-001-0631-C

AUG 27 2008

REPLY TO THE ATTENTION OF:

R-19J

The Honorable Mark Kirk
Member, U.S. House of Representatives
707 Skokie Boulevard, Suite 350
Northbrook, Illinois 60062

Dear Congressman Kirk:

Thank you for your letter of August 11, 2008, concerning the Notice of Violation issued to GFX International of Grayslake, Illinois. I share your interest in seeking equitable penalties in the resolution of environmental enforcement actions.

As you know, the air quality of the Region, and Lake County in particular, is an ongoing concern. Enforcement of the Clean Air Act is an essential component in protecting public health, and we are charged with assessing penalties that are proportionate and warranted by the specifics of each case. In this instance, once the violations were identified at GFX, the company took steps to address the violations by reformulating the solvent that triggered the violations. We can and will take that cooperation into account as we continue to negotiate an appropriate penalty to conclude the matter.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Mary Canavan or Ronna Bechmann, the Region 5 Congressional Liaisons at 312-886-3000.

Sincerely,

A handwritten signature in black ink that reads "Lynn Buhl".

Lynn Buhl
Regional Administrator

MARK STEVEN KIRK
10TH DISTRICT, ILLINOIS

COMMITTEE ON
APPROPRIATIONS

SUBCOMMITTEES:
STATE, FOREIGN OPERATIONS, AND
RELATED AGENCIES

HOMELAND SECURITY

FINANCIAL SERVICES AND
GENERAL GOVERNMENT

AL-09000-9060

Congress of the United States
House of Representatives
Washington, DC 20515-1310

WASHINGTON OFFICE:
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WASHINGTON, DC 20515
(202) 225-4835
FAX: (202) 225-0837
www.house.gov/kirk

NORTHBROOK OFFICE:
707 SKOKIE BLVD, SUITE 350
NORTHBROOK, IL 60062
(847) 940-0202
FAX: (847) 940-7143

WAUKEGAN OFFICE:
20 SOUTH MARTIN LUTHER KING DRIVE
WAUKEGAN, IL 60085
(847) 662-0101
FAX: (847) 662-7519

June 10, 2009

Ms. Joyce K. Frank
Acting Associate Administrator for Congressional
and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Ave., NW, Room 3426 ARN
Washington, DC 20460

Dear Ms. Frank:

Enclosed please find correspondence I received from my constituent.

exempt
exempt requested I submit the enclosed waiver request to the Environmental Protection Agency regarding converting school buses to dual fuel in the state of Illinois. I appreciate your consideration of *exempt* request.

Thank you in advance for your attention to this matter. Please do not hesitate to contact my District Representative, Matthew Abbott, in my Northbrook office should you have any questions regarding this case.

Sincerely,



Mark Steven Kirk
Member of Congress

MSK:ma

enclosure

From:

Sent: Tuesday, March 31, 2009 2:12 PM

To: Winters, Aaron

Subject: Re: USEPA

AARON:

HERE IS AN OUTLINE OF THE WAIVER REQUEST FOR SCHOOL BUSES IN ILLINOIS.

LET ME KNOW WHAT YOU THINK,

exempt
AMERICAN SAFETY INDUSTRIES, INC.

**EPA WAIVER REQUEST FOR SCHOOL BUSES TO BE CONVERTED
TO DUAL FUEL (GASOLINE/PROPANE) WITHIN THE STATE OF
ILLINOIS;**

**WAIVER IS REQUESTED BY AMERICAN SAFETY
INDUSTRIES, INC. & AMERICAN STUDENT SAFETY
CORPORATION, A WHOLLY OWNED SUBSIDIARY OF
AMERICAN SAFETY INDUSTRIES, INC.**

**THE PRESENT STATE OF ANY ATTEMPT TO COMPLY WITH THE
CONVERSION OF ANY SCHOOL BUSES TO RUN WITH AN EPA
ACCEPTED FUEL SYSTEM (PROPANE) WITHIN ILLINOIS IS NOT
REASONABLY ATTEMPTABLE. THE PRESENT EPA RULES
REQUIRE THE USE OF AN EPA ACCEPTABLE CONVERSION KIT
WHICH EXPIRES ONE YEAR AFTER IT HAS BEEN TESTED TO
COMPLY WITH EMISSION TESTS REQUIRED BY THE EPA. THE
TEST IS ONLY FOR A SPECIFIC VEHICLE. THE COSTS OF
GETTING AN APPROVED KIT ARE PROHIBITIVE (\$25,000 TO
\$50,000 PER VEHICLE) WHICH MAKES IT IMPOSSIBLE TO
COMPLY TO CONVERT A SCHOOL BUS FLEET TO RUN ON
PROPANE. SOME STATES HAVE BEEN SUCCESSFUL IN
OBTAINING A WAIVER TO PERMIT THE INSTALLATION OF A EPA
APPROVED KIT AND ALLOWING SOME OF THEIR SCHOOL BUSES
TO RUN ON PROPANE, AN EPA APPROVED FUEL. ILLINOIS HAS A
PROGRAM CALLED GREEN FLEETS WHICH WILL PAY FOR PART
OF THE INSTALLTION COSTS, BUT NO SCHOOL BUS FLEETS
HAVE ATTEMPTED TO MEET THE STRINGENT EPA RULES.**

**TODAY IN THESE VERY DIFFICULT TIMES, MANY SCHOOL
DISTRICTS HAVE REDUCED REVENUES DUE TO HOME
FORCLOSURES AND UNEMPLOYMENT. THIS HAS IMPACTED
MANY OF THEM TO REDUCE AND CANCEL PROGRAMS FOR
STUDENTS.**

**THE WAIVER OF ALL EPA RULES FOR CONVERSION OF
GASOLINE ENGINES USING EPA APPROVED KITS AND
INSTALLERS WITH GIVE THEM THE ADDITIONAL REVENUES
THEY SO DESPERATELY NEED.**

AL-09-000-9060



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG - 5 2009

OFFICE OF
AIR AND RADIATION

The Honorable Mark Kirk
U. S. House of Representatives
Washington, D.C. 20515-1310

Dear Congressman Kirk:

Thank you for your letter dated June 10, 2009, sent on behalf of your constituent, *Exempt*, who is requesting a waiver of all U.S. Environmental Protection Agency (EPA) rules for propane conversion kits for gasoline engines.

In EPA's most recent policy and guidance documents for alternative fuel conversions, which can be found at <http://www.epa.gov/otaq/regs/fuels/cff/memo1a97.pdf> and http://www.epa.gov/dis/display_file.jsp?docid=20194&flag=1, the Agency required either EPA certification or California Air Resources Board retrofit certification to demonstrate that an alternative fuel conversion should not be considered tampering. EPA's decision to require certification was based on test data indicating vehicles converted to run on alternative fuels were exceeding emissions standards. There are no provisions in the policy document for a waiver that would allow installation and sale of alternative fuel conversion kits without certification.

In his request, *Exempt* states that EPA approval for alternative fuel conversion kits expires one year after the test and that the test is only valid for one specific vehicle. The Clean Air Act does require annual certification, but in subsequent years, certification is accomplished by resubmitting the same information to EPA. As long as the emissions characteristics of the vehicles do not change, *Exempt* would not need to retest the engines yearly. *Exempt*'s request refers to the conversion of school buses. School buses are engine certified, not vehicle certified, so one engine test could cover a number of vehicles with the same engine. Therefore, *Exempt* would not need to test every vehicle.

If *Exempt* has more questions regarding certification of alternative fuel conversion kits for heavy-duty engines, he should contact Greg Orehowsky of EPA's Office of Transportation and Air Quality at orehowsky.gregory@epa.gov or (202) 343-9292.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Diann Frantz in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3668.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gina McCarthy', is written over the printed name and title.

Gina McCarthy,
Assistant Administrator



Congress of the United States

House of Representatives

Washington, DC 20515

October 1, 2007

The Honorable Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Dear Administrator Johnson:

We are writing in response to your June, 2007 proposal to strengthen the National Ambient Air Quality Standard (NAAQS) for ground level ozone pollution, or smog. In light of the urgent need to improve air quality to protect public health, we urge you to adopt a final rule that meets the unanimous recommendations of the Environmental Protection Agency's independent scientific advisors. Specifically, we ask you to issue a final rule that sets the eight hour average standard for ozone at no more than .060 to .070 parts per million (ppm).

The EPA's panel of expert science advisors, the Clean Air Scientific Advisory Committee (CASAC), unanimously found that the smog standard "needs to be substantially reduced to protect human health, particularly in sensitive subpopulations," and that "there is no scientific justification" for retaining the current standard. CASAC called for an eight hour average ozone standard of .060 to .070 ppm. Experts on lung health, including the American Thoracic Society and the American Lung Association, are calling for a standard of .060 ppm given the strength of the scientific evidence.

The Clean Air Act requires air pollution standards to be set at a level that will "protect public health" with "an adequate margin of safety." Scientists have linked exposure to smog pollution with asthma attacks, lung damage, aggravated chronic lung disease, and premature death. Children, people with lung disease and the elderly are among those most susceptible to smog pollution, but even healthy adults display negative health effects when exposed to levels of ozone below the current standard of .080 ppm. Studies now show adverse effects in the lung occur at exposure levels as low as .060 ppm.

The positive impacts on the health of our citizens is compelling and we believe more than sufficient to warrant a substantial reduction in the current ozone standard. As an additional factor, it is interesting to note that studies have shown that there are large economic benefits to lowering the air pollution burden on public health and the environment. Smog pollution impedes economic activity through increased health care costs and premature death, absenteeism at work and school, lowered productivity, and reduced crop yields. On the other hand, many of the measures that reduce smog pollution have numerous co-benefits by lowering soot and other air pollution as well as the emissions of global warming gases.

PRINTED ON RECYCLED PAPER

CHRISTOPHER H. SMITH

6TH DISTRICT, New Jersey

CONSTITUENT SERVICE CENTERS:

1540 Kuser Road, Suite A9
 Hamilton, NJ 08610-3828
 (609) 585-7877
 TTY (609) 585-3660

1001 Main Road, Suite 38A
 Whiting, NJ 08759-1331
 (732) 950-2300

2373 Rayburn House Office Building
 Washington, DC 20515-4004
 (202) 225-3768

<http://www.house.gov/chriswmith>



Congress of the United States
House of Representatives

COMMITTEES**FOREIGN AFFAIRS**

**AFRICA AND GLOBAL HEALTH
 SUBCOMMITTEE**
 RANKING MEMBER

**WESTERN HEMISPHERE
 SUBCOMMITTEE**

**COMMISSION ON SECURITY AND
 COOPERATION IN EUROPE**
 RANKING MEMBER

DEAN, NEW JERSEY DELEGATION

Facsimile Cover Sheet

To: Administrator Johnson /Christopher Bliley

Organization: EPA

Fax: 202-501-1519

From: Representative Chris Smith (NJ-04)

Date: 10/2/2007

Subject: Congressional Letter on EPA Ozone/Smog Regulations

Number of pages to follow (excluding cover sheet): 4

Comments:

Pls. Find Congressional Letter on EPA proposal to strengthen the National Ambient Air Quality Standard (NAAQS). If you have any questions please contact Ryan Goodwin in Rep. Smith's office at 202-225-3765.

Because of these policy considerations and the overwhelming scientific evidence in favor of a stronger smog standard, we ask you to issue a final rule that sets the eight hour average ozone standard at no greater than .060 to .070 parts per million.

Sincerely,

Chris Smith

Jim Moran

Gregory S. Schwartz

Patrick B. Kennedy

Will Ferguson

Adam B. Schiff

Betsy McCollum

Paul Fierh

Keith Ellison

Jim McDermott

Pat Armstrong

Clayton Kopp

John L. Sobczak

Wendy Liebman

Dennis K. Kinsler

Wayne T. Gekker

J. Sexton

Edward J. Murphy

Joe E. Leman

[Signature]

Mark Watt

Rail M. Hrychuk



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 17 2007

OFFICE OF
AIR AND RADIATION

The Honorable Mark Kirk
U. S. House of Representatives
Washington, D.C. 20515

Dear Congressman Kirk:

Thank you for your letter of October 1, 2007, co-signed by 21 of your colleagues, regarding the Environmental Protection Agency's (EPA) June 2007 proposal to revise the national ambient air quality standards (NAAQS) for ground-level ozone.

I would like to assure you that, in making decisions regarding the NAAQS, the Administrator carefully evaluates the full body of available scientific evidence to ensure that the standards provide adequate protection for public health and welfare. EPA appreciates the importance of this decision for state and local areas. I have forwarded your comments, including your recommendation that EPA should tighten the primary ozone standard to a level of 0.060 to 0.070 parts per million, to the docket for this rulemaking (EPA-HQ-OAR-2005-0172), so that they may be considered as we move toward a final decision by March 12, 2008.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Josh Lewis, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2095.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Meyers".

Robert J. Meyers
Principal Deputy Assistant Administrator

AL-07-001-4148

733155



THE NORTHEAST-MIDWEST COALITION

GREAT LAKES TASK FORCE

July 31, 2007

The Honorable George W. Bush
The White House
Washington, DC 20500

Dear Mr. President:

Three years ago you issued Executive Order 13340 to establish the Great Lakes Interagency Task Force and the Great Lakes Regional Collaboration of National Significance. Both efforts were designed to provide more systematic collaboration and better integration of effort in the environmental restoration and management programs in the Great Lakes. We have been impressed with the commitment by our region's leaders to the collaboration process, but we are disappointed that since the Great Lakes Regional Collaboration Strategy Report was released, agency efforts and enthusiasm for implementing the Executive Order have waned. Although the Federal agencies regularly meet, restoration progress has been inadequate. We also are concerned that coordination between the Federal agencies with state, tribal, local and other partners remains inconsistent at best and non-existent at worst. In fact, the Great Lakes Regional Collaboration has not brought all of its stakeholders together since the Strategy was released in December of 2005.

The Great Lakes needs strong leadership to ensure that restoration priorities are being implemented. We urge you to provide adequate resources to implement restoration priorities. Also, we urge you to ensure that Federal agencies are coordinating their efforts better and consulting with the Great Lakes states, tribes, localities and citizens so we can protect what you have called a national treasure – our Great Lakes.

Great Lakes restoration is a priority for our region, and we are committed to supporting efforts that will result in greater coordination and collaboration with all stakeholders that will address the nationally significant environmental and natural resource issues involving the Great Lakes. We look forward to working with you to make our region's vision a reality.


Sincerely,


George V. Voinovich
United States Senator


Carl Levin
United States Senator

John Dingell
Member of Congress


Mark Kirk
Member of Congress

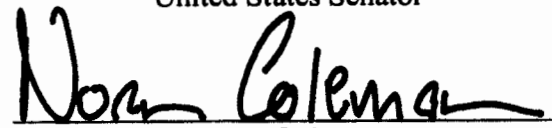

Louise M. Slaughter
Member of Congress

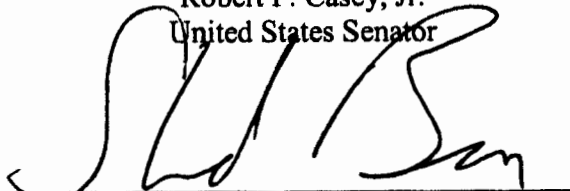

Vernon J. Ehlers
Member of Congress



Debbie Stabenow
United States Senator



Barack Obama
United States Senator



Robert P. Casey, Jr.
United States Senator



Norm Coleman
United States Senator


Sherrod Brown
United States Senator



Russell Feingold
United States Senator

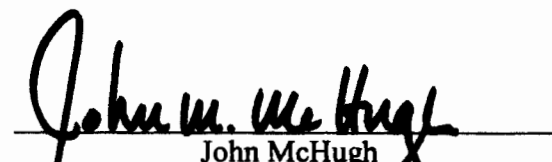

Dick Durbin
United States Senator

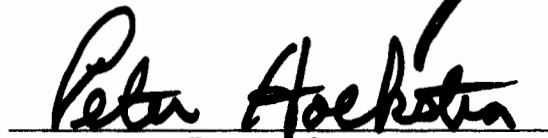

Hillary Rodham Clinton
United States Senator


Herb Kohl
United States Senator

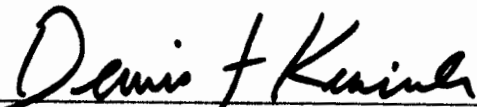

Charles Schumer
United States Senator

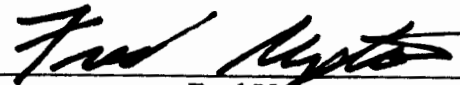

David Obey
Member of Congress


John McHugh
Member of Congress



Peter Hoekstra
Member of Congress

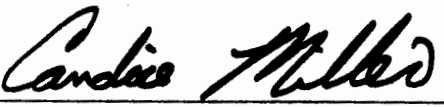

Brian Higgins
Member of Congress

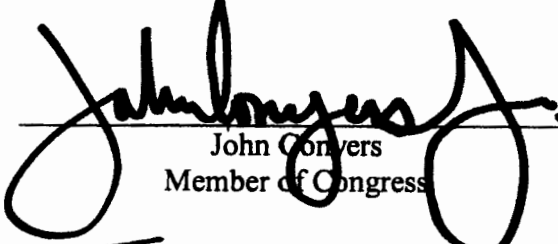

Dennis Kucinich
Member of Congress

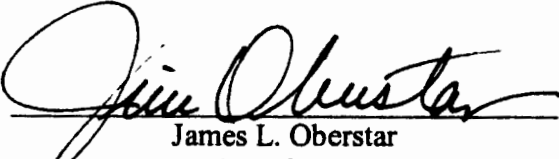

Fred Upton
Member of Congress



Sander Levin
Member of Congress

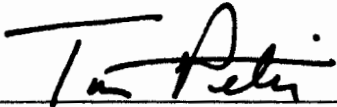

Tim Walberg
Member of Congress


Candice Miller
Member of Congress


John Conyers
Member of Congress


James L. Oberstar
Member of Congress

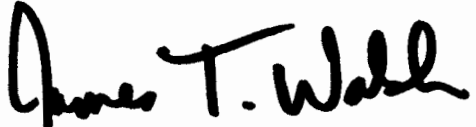

Thaddeus McCotter
Member of Congress

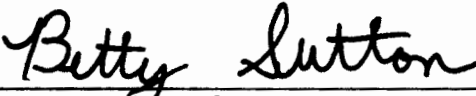

Thomas Petri
Member of Congress


Marge Kaptur
Member of Congress


Dale Kildee
Member of Congress


Mike Rogers
Member of Congress


James Walsh
Member of Congress


Betty Sutton
Member of Congress


Bart Stupak
Member of Congress


Evan Bayh
United States Senator

AL-07-001-4/48



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 11 2007

THE ADMINISTRATOR

The Honorable Mark Kirk
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Kirk:

Thank you for your letter of July 31, 2007 to President Bush regarding the Administration's support for the Great Lakes Interagency Task Force (IATF) and the Great Lakes Regional Collaboration (GLRC), as well as progress being made toward restoring the Great Lakes since the release of the GLRC Strategy in December 2005.

On behalf of the President, I am pleased to report that we have made notable progress on the federal side through the work of the Interagency Task Force and its Regional Working Group (RWG). Interagency coordination and communication have improved, and we are making real progress on implementing actions to restore and protect the Great Lakes.

For example, thirteen of the 48 original near terms actions the Administration committed to after the release of the Great Lakes Strategy are completed, thirty-two are on track, and three have been moved to long-term status. I have enclosed a detailed report on the status of each of the near term actions for your information. Some highlights include:

- EPA, working with state and local partners, has developed a standardized sanitary survey form for state and local governments to use in assessing their beaches, and is supporting implementation pilots using the new survey at 60 beaches around the Great Lakes.
- On July 10, 2007, the Fish & Wildlife Service listed the silver carp as injurious under the Lacey Act.
- EPA has completed five Great Lakes Legacy Act projects (4 remedial/1 assessment), and has 7 additional projects (1 remedial/6 assessment/engineering) underway. A total of almost 800,000 cubic yards will be remediated from the four sites that have been cleaned-up and the one very near completion.
- The IATF created Wetlands and Rapid Response subcommittees under its Regional Working Group to provide greater focus and coordination for these important issues. In addition to their interagency work, both groups are also engaged with the Great Lakes Regional Collaboration partners on joint priority projects.

I am also pleased to highlight examples of additional actions underway or completed by IATF agencies, beyond those included in our Near Term Actions list, since the GLRC Strategy was released:

- The Corps of Engineers' Great Lakes Habitat Initiative (GLHI), a 2-year, \$1 million effort to develop a set of tools to enhance implementation of wetlands and aquatic habitat site-specific restoration and protection projects, is well underway. It is important to note that the GLHI is structured to include participation not just from federal agencies, but from state, local, tribal and nongovernmental representatives as well, in a coordinated effort to help implement the restoration goals and objectives in the GLRC Strategy.
- Twenty-two environmental restoration projects around the Great Lakes are being funded this year under the Great Lakes Watershed Restoration Grant program. The program is providing \$1.1 million in federal money and leveraging an additional \$1.9 million in contributions by non-federal partners in order to help support the restoration goals and objectives of the GLRC Strategy. Partner agencies are: the Fish & Wildlife Service, NOAA, the Forest Service, EPA, and the Natural Resources Conservation Service.
- The Corps of Engineers recently announced that two projects from the Great Lakes region were selected from a nationwide competition for habitat restoration funding under the Estuary Restoration Act of 2000.
- In August 2007, EPA announced that Heidelberg College in Tiffin, Ohio and the Grand Traverse Band of Ottawa & Chippewa Indians in Michigan are eligible to receive funding under EPA's Targeted Watersheds Grants program for restoration activities in the Honey Creek Watershed in Ohio, which drains to Lake Erie, and the Betsie Platte Otter Watershed in Michigan, which drains to Lake Michigan.
- EPA's Great Lakes National Program Office (GLNPO) is provided funding to the Pennsylvania Department of Environmental Protection to develop a fish tumor data base. This will provide a significant tool to assist in the delisting of the Presque Isle Area of Concern, and will provide much needed information to scientists basin-wide to better understand causal factors leading to fish tumors. In addition, GLNPO also recently provided a grant to the Southeast Michigan Council of Governments to build capacity to implement the St. Clair River and Lake St. Clair Comprehensive Management Plan.

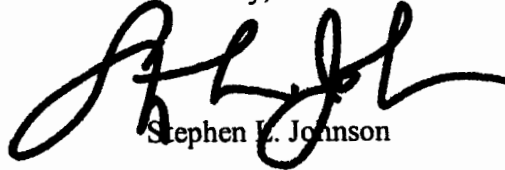
The IATF is also working closely with its nonfederal partners in the GLRC on three joint projects – wetlands restoration, rapid response to introductions of aquatic invasive species, and toxics reduction. These projects, which had their genesis in actions initiated by IATF agencies, were selected and expanded upon by the GLRC Executive Committee in order to improve coordination across levels of government as we work together to implement key actions in support of the GLRC Strategy.

The GLRC Executive Committee intends to provide updates on these projects, and discuss potential new projects, at its October 2nd meeting in Chicago, which will be open to the

The GLRC Executive committee intends to provide updates on these projects, and discuss potential new projects, at its October 2nd meeting in Chicago, which will be open to the public. The purpose of the meeting is to report on the activities of the GLRC, to share information about progress in implementing the GLRC Strategy, and to obtain input on advancing progress in the future. Additionally, this meeting will help the GLRC Executive Committee engage with the many stakeholders who devoted so much time and expertise to the development of the Great Lakes Strategy – an important step for maintaining the momentum of the GLRC.

Again, thank you for your letter and your continued attention to these important partnerships. On behalf of President Bush, I can assure you that the Administration remains committed to restoring and protecting the Great Lakes through the efforts of both the Federal Interagency Task Force and the Great Lakes Regional Collaboration. We recognize that more remains to be done, but believe that good progress has already been made as a result of IATF and GLRC actions, and that a solid foundation has been laid for more progress in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. L. Johnson', with a stylized flourish extending to the right.

Stephen L. Johnson

Enclosure

Congress of the United States

Washington, DC 20515

October 30, 2007

Ms. Mary A. Gade
Regional Administrator
U.S. Environmental Protection Agency Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Dear Regional Administrator Gade:

We are writing to request a formal hearing of the U.S. Environmental Protection Agency (EPA) Region 5 objections to the National Pollutant Discharge Elimination System (NPDES) permit drafted by the Indiana Department of Environmental Management (IDEM) for United States Steel Corporation, Gary Works facility in Gary, Indiana.

US Steel's Gary Works facility is the one of the largest steel plants in the country and also the largest Great Lakes polluter, according to the EPA's Toxic Release Inventory database. The Great Lakes are the world's largest freshwater system and serve as a source of drinking water, food, jobs and recreation for more than forty million Americans. It is essential that we enhance our restoration efforts for this critical resource, not degrade the condition of the lakes even further.

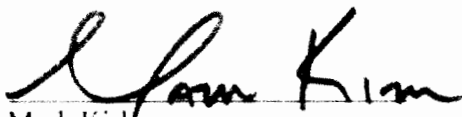
On October 1 and October 16, 2007, the EPA issued objections to the draft NPDES permit. Among the number of objects raised to this draft permit, we are most concerned with the increase in zinc and chromium limits and the delayed compliance schedules for various harmful pollutants such as mercury, free cyanide and ammonia.

We thank you for your diligence in reviewing this draft permit and prohibiting its enactment without receiving further assurances of its compliance with the Clean Water Act and all antidegradation requirements. The permit's objectionable provisions deserve public scrutiny. We therefore request a public hearing be held forthwith to include all Great Lakes stakeholders in the consideration of these objections.

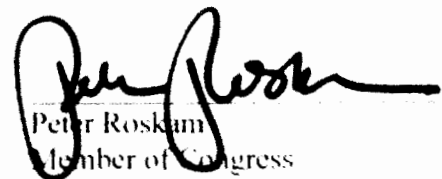
According to 40 CFR § 123.44(e), a public hearing will be held by the administrator "if warranted by significant public interest based on requests received." As representatives of millions of residents across the region, we believe our requests, in conjunction with those submitted by numerous environmental organizations, achieve the measure of significant public interest.

As both Congress and the Administration work to restore the Great Lakes, we look forward to working with you to ensure that this draft NPDES permit and others serve to protect our nation's most precious resource. We look forward to your response.

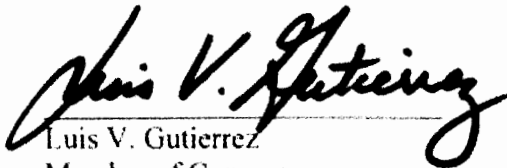
Sincerely,

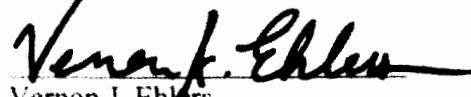



Mark Kirk
Member of Congress

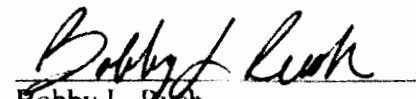


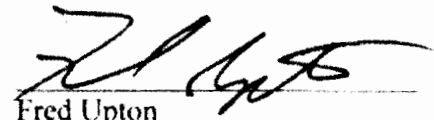
Peter Roskam
Member of Congress


Luis V. Gutierrez
Member of Congress


Vernon J. Ehlers
Member of Congress


Danny K. Davis
Member of Congress


Bobby L. Rush
Member of Congress


Fred Upton
Member of Congress



RS-07-001-7539-C
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV - 1 2007

REPLY TO THE ATTENTION OF: R-19J

The Honorable Mark Kirk
House of Representatives
Washington, D.C. 20515

Dear Congressman Kirk:

Thank you for your October 30, 2007, letter concerning the National Pollutant Discharge Elimination System (NPDES) draft permit that Indiana developed for the United States Steel (U.S. Steel) mill in Gary, Indiana. In the letter, you thanked the U.S. Environmental Protection Agency for reviewing the permit. You also urged EPA to hold a public hearing on its objections to the permit.

In response to numerous requests, including your own, EPA has decided to hold a public hearing on our objections to the draft permit. We anticipate holding the hearing this December. We will publish a formal notice announcing the hearing at least 30 days beforehand. The notice will specify the date, time and location of the hearing, and will provide information on how interested citizens can comment on the objections.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may contact Mary Canavan, the Region 5 Congressional Liaison, at (312) 886-3000.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary A. Gade".

Mary A. Gade
Regional Administrator